

TITLE 17. TRANSPORTATION
CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES

(Authority: A.R.S. §§ 28-108, 28-202 et seq.)

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Editor's Note: Sections R17-4-606, R17-4-607 and its Appendix A and Appendices A and B were repealed under a Notice of Proposed Summary Rulemaking in Supp. 96-1. R17-4-612 was amended under the same Notice of Proposed Summary Rulemaking at 2 A.A.R. 1486. The Office did not receive a Notice of Final Summary Rulemaking on these Sections (Editor's Note added Supp. 10-2).

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ARTICLE 1. RESERVED**ARTICLE 2. VEHICLE TITLE****R17-4-201. Definitions**

In addition to the definitions prescribed under A.R.S. §§ 28-101, 28-2001, and 28-3001, the following definitions apply to this Article, unless otherwise specified:

"Authorized ELT Participant" means a lending institution or finance company authorized by the Division to electronically release a lien or encumbrance.

"Date of lien" means the date identified by the lienholder as the date the loan was issued to the borrower.

"Division" means the Arizona Department of Transportation's Motor Vehicle Division.

"Encumbrance" means a lien recorded, by the Division, on a vehicle or mobile home record and the Arizona Certificate of Title.

"ELT" means Electronic Lien and Title.

"EPA standards" means the emission standards of the Environmental Protection Agency, as prescribed under 40 CFR 86.

"FMVSS" means the Federal Motor Vehicle Safety Standards as prescribed under 49 CFR 571.

"Joint tenancy with right of survivorship" means vehicle ownership by two or more persons and the deceased joint owner's interest in the vehicle is transferred to the surviving owners.

"Lienholder" means a person or entity retaining legal possession of a vehicle or mobile home until the debtor has satisfactorily repaid the loan for which the vehicle or mobile home is designated as collateral.

"Lienholder Number" means the computer-generated record number assigned by the Division to a lienholder.

"Low-speed vehicle" has the same meaning as prescribed under 49 CFR 571.3.

"MPV" means multipurpose passenger vehicle, which has the same meaning as prescribed under 49 CFR 571.3.

“MVD” means the Arizona Department of Transportation’s Motor Vehicle Division.

“NHTSA” means National Highway Traffic Safety Administration of the United States Department of Transportation.

“Operation of law lien” means a lien resulting from the application of a state or federal statute.

“Primary lien” means the first of any multiple liens recorded on a vehicle or mobile home record.

“Registered importer” means a person registered by the NHTSA Administrator to import vehicles, as prescribed under 49 CFR 30141.

“Tenancy in common” means vehicle ownership by two or more people without the right of survivorship.

“Valid titling document” means one of the following documents showing a vehicle’s compliance with FMVSS and EPA standards:

- A NHTSA Declaration,
- A manufacturer’s letter, or
- A U.S. federal compliance label printed in English.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 1353, effective June 6, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 3281, effective November 10, 2007 (Supp. 07-3).

R17-4-202. Certificate of Title Form

- A. The Motor Vehicle Division (MVD) shall produce the Certificate of Title form on tamper-resistant and counterfeit-resistant paper.
- B. MVD shall provide space on the Certificate of Title form for the following information:
 1. Title information:
 - a. Title number;
 - b. Issue date;
 - c. Previous title number; and
 - d. State and date of previous title.
 2. Vehicle information:
 - a. Vehicle identification number (VIN);
 - b. Vehicle make, model, year, and body style;
 - c. Fuel type;
 - d. Odometer information; and
 - e. Vehicle mechanical or structural condition.
 3. Lienholder information:
 - a. Lienholder name and address;
 - b. Lienholder customer or federal identification number; and
 - c. Lien amount and lien date.
 4. Vehicle owner’s or owner’s legal designee information:
 - a. Name; and
 - b. Mailing address.
 5. Ownership change information:
 - a. Sale date;
 - b. Purchaser’s name and address;
 - c. Odometer mileage disclosure statement;
 - d. Seller’s signature; and
 - e. Seller’s signature certification.
 6. Dealer reassignment information.
 7. Other information as required by the Division for internal processing and recordkeeping.

Historical Note

New Section recodified from R17-4-204 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-203. Certificate of Title and Registration Application

- A. In addition to the requirements of A.R.S. §§ 28-2051 and 28-2157, a person applying for an Arizona motor vehicle title certificate and registration shall complete a form supplied by the Motor Vehicle Division that contains the following information:
 1. Vehicle information:
 - a. Tab number;
 - b. Initial registration month and year;
 - c. Vehicle make, model, year, and body style;
 - d. Mechanical or structural status indicating whether the vehicle is:
 - i. Dismantled,
 - ii. Reconstructed,
 - iii. Salvaged, or
 - iv. Specially constructed;
 - e. Gross vehicle weight;
 - f. Fuel type;
 - g. Odometer information;
 - h. Current title number and titling state.
 2. An owner’s or lessee’s legal ownership status.
 3. Lienholder information:
 - a. Lienholder names and addresses, and
 - b. Lien amount and date incurred.
 4. If a mobile home, the physical site.
 5. Co-ownership information:
 - a. A statement of whether any survivorship rights in the vehicle exist; and
 - b. A statement providing co-ownership legal status prescribed in R17-4-205(B).
 6. Owner certification information verifying:
 - a. Ownership,
 - b. Inclusion of all liens and encumbrances, and
 - c. Seller-verified odometer reading.
 7. Applicant signatures.
 8. An acknowledgement that:
 - a. The applicant agrees or disagrees to the Division’s release of the applicant’s name on a commercial mailing list; and
 - b. The applicant has read a printed explanation of odometer reading codes.
 9. Other information required by the Division for internal processing and recordkeeping.
- B. An applicant may voluntarily provide the following information on the form:
 1. Applicant’s birth date;
 2. Applicant’s driver license number; and
 3. Applicant’s federal employer identification number, if the applicant is taking title as a sole proprietor, partnership, corporation, or other legal business entity.

Historical Note

New Section recodified from R17-4-205 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-204. Seller’s Signature Acknowledgement

A seller shall ensure that a Notary Public or a Motor Vehicle Division (MVD) agent witnesses the seller sign the title transfer. The Notary Public or MVD agent shall sign the title transfer acknowledging witnessing the seller’s signature. “Motor Vehicle Division agent” has the meaning prescribed in A.R.S. § 28-370.

Historical Note

Adopted effective November 10, 1986 (Supp. 86-6). Former Section R17-4-75 renumbered without change as Section R17-4-204 (Supp. 87-2). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 2468, effective June 8, 2000 (Supp. 00-2). Section recodified to

R17-4-202 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-206 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-205. Co-ownership and Vehicle Title

- A.** A title certificate application shall specify the form of co-ownership and names of a vehicle's co-owners as follows.
 - 1. If co-ownership is a joint tenancy with right of survivorship in which all owners must sign to transfer or encumber the vehicle, the applicant shall provide the name of each owner separated by "and/or."
 - 2. If co-ownership is a joint tenancy that allows one owner to transfer or encumber the vehicle title, the applicant shall provide:
 - a. The name of each co-owner separated by "or"; and
 - b. A form, signed by each co-owner authorizing title transfer or encumbrance on the signature of any co-owner.
 - 3. If co-ownership is a tenancy in common, the applicant shall provide the name of each owner separated by "and."
- B.** Before a surviving joint tenant under subsection (A)(1) obtains a title certificate as owner or transfers or encumbers the vehicle title, the surviving joint tenant shall present to the Division a death certificate for each deceased joint tenant.
- C.** After the death of a tenant in common, the Division shall issue a new title certificate only as directed by:
 - 1. A certified probate court order, or
 - 2. A successor's affidavit under A.R.S. § 14-3971(B).

Historical Note

Adopted effective November 13, 1986 (Supp. 86-6). Former Section R17-4-75 renumbered without change as Section R17-4-205 (Supp. 87-2). Amended by final rulemaking at 7 A.A.R. 2752, effective June 8, 2001 (Supp. 01-2). Section recodified to R17-4-203 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-207 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 1353, effective June 6, 2003 (Supp. 03-2).

R17-4-206. Additional Titling Standards for Vehicles Not Manufactured in Compliance with United States Safety and Emission Standards; "Gray-market Vehicles"

- A.** Titling standards.
 - 1. The Division shall issue a title to a foreign-manufactured vehicle imported to the United States if an applicant presents the following:
 - a. A valid titling document,
 - b. A completed MVD title and registration application as prescribed under R17-4-203,
 - c. A completed Vehicle Verification Form certifying that the vehicle passed the Division's physical inspection,
 - d. A document stating that the vehicle passed an Arizona emissions inspection under A.R.S. § 49-542, and
 - e. A certificate that the vehicle was converted to meet:
 - i. EPA standards, and
 - ii. FMVSS.
 - 2. A foreign-manufactured vehicle imported to the United States is exempt from this subsection if it is older than 25 years from its manufacture date.
 - 3. A foreign-manufactured vehicle imported to the United States that is between 21 and 25 years from the manufacture date is exempt from subsection (A)(1)(e)(i).
 - 4. Titling standards for vehicles manufactured according to Canadian specifications.

- a. The Division shall issue a title to a vehicle manufactured according to Canadian specifications if it:
 - i. Is not for resale;
 - ii. Has a GVWR of less than 10,000 pounds; and
 - iii. Is a passenger vehicle, motorcycle, or MPV.
- b. Before titling a vehicle manufactured according to Canadian specifications, the owner shall submit to the Division manufacturer documentation verifying that the vehicle complies with FMVSS and EPA standards.
 - i. The Division shall waive the FMVSS and EPA labeling location requirements as prescribed in 49 CFR 571 and 40 CFR 86.
 - ii. If manufacturer documentation indicates that a vehicle's speedometer or headlights do not comply with FMVSS and EPA standards, the owner shall file additional documentation with the Division to verify completion of a modification that brings the vehicle into compliance.
- c. A registered importer shall certify a vehicle manufactured according to Canadian specifications if:
 - i. The vehicle meets FMVSS standards except for occupant crash protection provisions prescribed under 49 CFR 571.208, or
 - ii. The owner did not submit manufacturer documentation as prescribed under subsection (A)(4)(b).

- B.** The Division shall require a registered importer's certification of a foreign-manufactured vehicle imported to the United States that:

- 1. Is not exempt under subsections (A)(2) or (A)(3), or
- 2. Does not qualify under subsection (A)(4).

Historical Note

Former Rule, General Order 55. Former Section R17-4-19 renumbered without change as Section R17-4-206 (Supp. 87-2). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 2468, effective June 8, 2000 (Supp. 00-2). Section recodified to R17-4-204 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-209 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 1353, effective June 6, 2003 (Supp. 03-2).

R17-4-207. Lien Filing

- A.** Lien filing. When filing a lien with the Division, a person shall submit a Title and Registration Application (available online at www.azdot.gov/mvd/FormsandPub/mvd.asp), the most recently issued certificate of title, the fee or fees to be paid as provided by law, and any other documentation required pursuant to A.R.S. Title 28.
 - 1. The Division shall record a statement of all liens and encumbrances on the vehicle or mobile home record upon receiving a lien filing that meets all requirements prescribed in this subsection.
 - 2. The Division shall immediately return a lien filing, with a letter stating why the lien filing was returned, when the lien filing does not meet the requirements prescribed in this subsection.
- B.** Multiple liens. The Division will record up to three liens on any one vehicle or mobile home record. Additional liens are recorded through the County Recorder's office. Liens are valued in the order that they are filed and recorded on the vehicle or mobile home record. However, the Division considers the primary lien recorded on the vehicle or mobile home record to be above all other subsequent liens or encumbrances. In the

absence of an operation of law lien, only the lienholder in the primary position may repossess a vehicle or mobile home.

C. Lien filing notice. The Division shall notify the lienholder of the recording of a lien.

1. The Division shall issue an Arizona Certificate of Title or, when the lienholder is an Authorized ELT Participant, transmit an electronic lien notification to the primary lienholder.
2. The Division shall issue a computer-generated Lienholder Record to each subsequent lienholder recorded on the vehicle or mobile home record. The Division shall not issue a duplicate Lienholder Record.

Historical Note

Former Rule, General Order 62. Former Section R17-4-24 renumbered without change as Section R17-4-207 (Supp. 87-2). Section repealed; new Section made by final rulemaking at 7 A.A.R. 2752, effective June 8, 2001 (Supp. 01-2). Section recodified to R17-4-205 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section recodified from R17-4-230 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 13 A.A.R. 3281, effective November 10, 2007 (Supp. 07-3).

R17-4-208. Lien Clearance

A. Lien clearance. The Division shall remove the lien from the vehicle or mobile home record indicated on the lien clearance and issue a new Arizona Certificate of Title upon receiving proof that the lien is satisfied and an application furnished by the Division, the most recently issued certificate of title, the fee or fees to be paid as provided by law, and any other documentation required pursuant to A.R.S. Title 28. The Division considers the following instruments satisfactory proof that the lien or encumbrance recorded on a vehicle or mobile home record is satisfied:

1. The transmission of an electronic lien release from an ELT Participant,
2. A certificate of title acknowledged by the lienholder as prescribed under subsection (B)(1),
3. An original lien filing receipt acknowledged by the lienholder as prescribed under subsection (B)(1),
4. An original computer-generated Lienholder Record acknowledged by the lienholder as prescribed under subsection (B)(1),
5. A lender copy of the original lien instrument indicating the lien is paid in full acknowledged by the lienholder as prescribed under subsection (B)(1); or
6. Any document giving a complete description of the vehicle, as recorded on the Arizona Certificate of Title, indicating that the lien is either “paid in full” or “satisfied” acknowledged by the lienholder as prescribed under subsection (B)(1).

B. Lienholder satisfaction of lien requirements.

1. The Division shall not accept a satisfaction of lien when the authorized signature of the lienholder or authorized agent of the lienholder, appearing on the lien clearance instrument, is not acknowledged before a Notary Public or witnessed by an authorized Division employee.
2. The lienholder shall deliver the Arizona Certificate of Title to the next lienholder or, if there is not another lienholder, to the owner of the vehicle or mobile home within 15 business days after receiving payment in full satisfaction of the lien.
3. A lienholder that fails to deliver the certificate of title within 15 business days may be assessed a civil penalty, as prescribed under A.R.S. § 28-2134.

C. Lien release received in error. The Division will not reimburse any parties for any monetary damages that may occur when a lienholder issues a lien clearance to the Division in error.

D. Administrative hearing. A lienholder who is assessed a civil penalty, as prescribed under A.R.S. § 28-2134, may request a hearing in accordance with the procedures prescribed under 17 A.A.C. 1, Article 5.

Historical Note

Former Rule, General Order 83. Former Section R17-4-35 renumbered without change as Section R17-4-208 (Supp. 87-2). Section repealed by final rulemaking at 6 A.A.R. 2468, effective June 8, 2000 (Supp. 00-2). Section recodified from R17-4-231 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 13 A.A.R. 3281, effective November 10, 2007 (Supp. 07-3).

R17-4-209. Recodified

Historical Note

Adopted as Section R17-4-81 and renumbered as Section R17-4-209 effective May 29, 1987 (Supp. 87-2). Amended by final rulemaking at 7 A.A.R. 2755, effective June 8, 2001 (Supp. 01-2). Section recodified to R17-4-206 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-210. Repealed

Historical Note

Adopted effective July 30, 1992 (Supp. 92-3). Section R17-4-210 repealed by summary action with an interim effective date of August 28, 1998; filed in the Office of the Secretary of State August 4, 1998 (Supp. 98-3). The Department failed to submit to the Governor’s Regulatory Review Council an adopted summary rule pursuant to A.R.S. § 41-1027, and therefore the rule went back into effect November 26, 1998; Section repealed by summary rulemaking with an interim effective date of August 20, 1999, filed in the Office of the Secretary of State July 30, 1999 (Supp. 99-3). Interim effective date of August 20, 1999 now the permanent effective date (Supp. 99-4).

Appendix A. Repealed

Historical Note

Adopted effective July 30, 1992 (Supp. 92-3). Appendix A repealed by summary action with an interim effective date of August 28, 1998; filed in the Office of the Secretary of State August 4, 1998 (Supp. 98-3). The Department failed to submit to the Governor’s Regulatory Review Council an adopted summary rule pursuant to A.R.S. § 41-1027, and therefore Appendix A went back into effect November 26, 1998; Appendix A repealed by summary rulemaking with an interim effective date of August 20, 1999; filed in the Office of the Secretary of State July 30, 1999 (Supp. 99-3). Interim effective date of August 20, 1999 now the permanent effective date (Supp. 99-4).

R17-4-211. Reserved

R17-4-212. Reserved

R17-4-213. Reserved

R17-4-214. Reserved

R17-4-215. Reserved

R17-4-216. Recodified**Historical Note**

Adopted effective October 21, 1997 (Supp. 97-4). Section recodified to R17-4-302 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-217. Recodified**Historical Note**

Adopted effective September 12, 1997 (Supp. 97-3). Section recodified to R17-4-303 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-218. Recodified**Historical Note**

Amended effective April 21, 1980 (Supp. 80-2). Former Section R17-4-54 renumbered without change as Section R17-4-218 (Supp. 87-2). R17-4-218 and Appendix A repealed; new Section adopted effective December 8, 1998 (Supp. 98-4). Section recodified to R17-4-304 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-219. Recodified**Historical Note**

Former Rule, General Order 101. Former Section R17-4-42 renumbered without change as Section R17-4-219 (Supp. 87-2). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 4602, effective November 14, 2000 (Supp. 00-4). Section recodified to R17-4-305 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-220. Repealed**Historical Note**

Former Rule, General Order 103; Former Section R17-4-44 repealed, new Section R17-4-44 adopted effective April 21, 1980 (Supp. 80-2). Former Section R17-4-44 renumbered without change as Section R17-4-220 (Supp. 87-2). Repealed effective July 29, 1992 (Supp. 92-3).

R17-4-221. Repealed**Historical Note**

Former Rule, General Order 75. Former Section R17-4-30 renumbered without change as Section R17-4-221 (Supp. 87-2). Repealed effective July 29, 1992 (Supp. 92-3).

R17-4-222. Recodified**Historical Note**

Adopted effective December 3, 1986 (Supp. 86-6). Former Section R17-4-80 renumbered without change as Section R17-4-222 (Supp. 87-2). Section recodified to R17-4-306 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-223. Repealed**Historical Note**

Emergency rule adopted effective August 8, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency expired. Former emergency rule permanently adopted with changes effective December 31, 1991 (Supp. 91-4). Repealed effective July 18, 1994 (Supp. 94-3).

R17-4-224. Recodified**Historical Note**

Adopted effective September 25, 1991 (Supp. 91-3). Section recodified to R17-4-307 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-225. Reserved**R17-4-226. Recodified****Historical Note**

Emergency rule adopted effective January 21, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Adopted with changes effective February 1, 1993 (Supp. 93-1). Amended effective January 31, 1995 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 702, effective February 10, 1999 (Supp. 99-1). Section repealed effective August 1, 1999 pursuant to subsection (C); new Section adopted by final rulemaking at 6 A.A.R. 1906, effective May 3, 2000 (Supp. 00-2). Section recodified to R17-5-502 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

Appendix A. Repealed**Historical Note**

Emergency rule adopted effective January 21, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Adopted effective February 1, 1993 (Supp. 93-3). Amended by final rulemaking at 5 A.A.R. 702, effective February 10, 1999 (Supp. 99-1). Appendix repealed effective August 1, 1999 pursuant to R17-4-226(C) (Supp. 00-2).

R17-4-226.01. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 1906, effective May 3, 2000 (Supp. 00-2). Section recodified to R17-5-503 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-227. Recodified**Historical Note**

Adopted effective June 16, 1992 (Supp. 92-2). Section recodified to R17-4-402 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-228. Reserved**R17-4-229. Reserved****R17-4-230. Recodified****Historical Note**

Former Rule, General Order 47. Former Section R17-4-15 renumbered without change as Section R17-4-230 (Supp. 87-2). Section recodified to R17-4-207 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-231. Recodified**Historical Note**

Former Rule, General Order 70. Former Section R17-4-28 renumbered without change as Section R17-4-231 (Supp. 87-2). Section recodified to R17-4-208 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-232. Reserved**R17-4-233. Reserved****R17-4-234. Reserved****R17-4-235. Reserved****R17-4-236. Reserved****R17-4-237. Repealed****Historical Note**

Former Rule, General Order 50. Former Section R17-4-

16 renumbered without change as Section R17-4-237 (Supp. 87-2). Section repealed by final rulemaking at 6 A.A.R. 4830, effective December 7, 2000 (Supp. 00-4).

R17-4-238. Repealed

Historical Note

Former Rule, General Order 51. Former Section R17-4-17 renumbered without change as Section R17-4-238 (Supp. 87-2). Section repealed by final rulemaking at 6 A.A.R. 4830, effective December 7, 2000 (Supp. 00-4).

R17-4-239. Repealed

Historical Note

Former Rule, General Order 60. Former Section R17-4-22 renumbered without change as Section R17-4-239 (Supp. 87-2). Section repealed by final rulemaking at 6 A.A.R. 4830, effective December 7, 2000 (Supp. 00-4).

R17-4-240. Recodified

Historical Note

Former Rule, General Order 65; Amended effective January 11, 1982 (Supp. 82-1). Former Section R17-4-25 renumbered without change as Section R17-4-240 (Supp. 87-2). Section recodified to R17-5-402 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-241. Recodified

Historical Note

Former Rule, General Order 76. Former Section R17-4-31 renumbered without change as Section R17-4-241 (Supp. 87-2). Section amended by final rulemaking at 6 A.A.R. 4830, effective December 7, 2000 (Supp. 00-4). Section recodified to R17-5-404 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-242. Repealed

Historical Note

Former Rule, General Order 77. Former Section R17-4-32 renumbered without change as Section R17-4-242 (Supp. 87-2). Section repealed by final rulemaking at 7 A.A.R. 869, effective January 22, 2001 (Supp. 01-1).

R17-4-243. Repealed

Historical Note

Former Rule, General Order 85. Former Section R17-4-36 renumbered without change as Section R17-4-243 (Supp. 87-2). Section repealed by final rulemaking at 6 A.A.R. 4830, effective December 7, 2000 (Supp. 00-4).

R17-4-244. Reserved

R17-4-245. Recodified

Historical Note

Adopted effective September 13, 1993 (Supp. 93-3). Section recodified to R17-5-405 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-246. Recodified

Historical Note

Adopted effective September 13, 1993 (Supp. 93-3). Section recodified to R17-5-406 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-247. Reserved

R17-4-248. Reserved

R17-4-249. Reserved

R17-4-250. Repealed

Historical Note

Former Rule, General Order 111. Former Section R17-4-47 renumbered without change as Section R17-4-250 (Supp. 87-2). Section repealed by final rulemaking at 6 A.A.R. 3839, effective September 13, 2000 (Supp. 00-3).

R17-4-251. Repealed

Historical Note

Former Rule, General Order 112. Former Section R17-4-48 renumbered without change as Section R17-4-251 (Supp. 87-2). Section repealed by final rulemaking at 6 A.A.R. 3839, effective September 13, 2000 (Supp. 00-3).

R17-4-252. Recodified

Historical Note

Former Rule, General Order 82. Former Section R17-4-34 renumbered without change as Section R17-4-252 (Supp. 87-2). Section recodified to R17-4-308 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-253. Reserved

R17-4-254. Reserved

R17-4-255. Reserved

R17-4-256. Reserved

R17-4-257. Reserved

R17-4-258. Reserved

R17-4-259. Reserved

R17-4-260. Recodified

Historical Note

Former Rule, General Order 72. Former Section R17-4-29 renumbered without change as Section R17-4-260 (Supp. 87-2). Section recodified to R17-5-407 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-261. Reserved

R17-4-262. Reserved

R17-4-263. Reserved

R17-4-264. Reserved

R17-4-265. Repealed

Historical Note

Adopted as an emergency effective June 29, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-3). Emergency expired. Permanent rule adopted effective October 1, 1984 (Supp. 84-5). Former Section R17-4-72 renumbered without change as Section R17-4-265 (Supp. 87-2). Section repealed by final rulemaking at 7 A.A.R. 2154, effective May 1, 2001 (Supp. 01-2).

ARTICLE 3. VEHICLE REGISTRATION

R17-4-301. Definitions

Definitions. In addition to the definitions prescribed under A.R.S. §§ 28-101, 28-2231, and 28-5100, the following definitions apply to this Article, unless otherwise specified:

“Apportioned commercial vehicle” means a commercial vehicle that is subject to the proportional registration provisions prescribed under A.R.S. § 28-2233.

“Biennial” means once every two years.

“Business day” means a day other than a Sunday or holiday.

“Calendar quarter” means the following time periods established by the Division: January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31.

“Day” means the 24-hour period from one midnight to the following midnight.

“Disabled person” means a recipient of public monies as a disabled individual under Title 16 of the Social Security Act.

“Division” means the Arizona Department of Transportation’s Motor Vehicle Division.

“Division Director” means the Assistant Director for the Arizona Department of Transportation’s Motor Vehicle Division or the Assistant Director’s designee.

“Drop box” means a receptacle designated by the Division into which a person places vehicle registration forms and fees, and from which the Division retrieves these items daily.

“Effective date of registration” means the date the vehicle first becomes subject to registration fees in Arizona.

“Electronic delivery” means the transmission of registration and credit card information to the Division, by computer, through an authorized third party electronic service provider.

“Emergency Vehicle Permit” means a document issued by the Division’s Enforcement Services Program to a private fire department for a single fire engine that authorizes the driver of a permitted vehicle to exercise the privileges prescribed under A.R.S. § 28-624.

“Expiration date” means the day, month, and year in which a vehicle registration expires.

“Fire Engine” means a motor vehicle containing fire-fighting equipment capable of extinguishing fires.

“IM147 Test” means the emissions test prescribed under A.R.S. § 49-542(F)(2)(a).

“Included vehicle” means a vehicle subject to annual or biennial Arizona registration unless otherwise excluded from the staggered registration prescribed under A.R.S. § 28-2159 and R17-4-304.

“Initial registration” means the first registration of an included vehicle in Arizona.

“OBD” means the On-Board Diagnostics emissions test prescribed under A.R.S. § 49-542(F)(2)(a).

“Off-highway vehicle” has the same meaning as prescribed under A.R.S. § 28-1171.

“Operator Requirements” means the requirements given in Chapter 2, Basic Driver/Operator Requirements, of the National Fire Protection Association Standard for Fire Apparatus Driver/Operator Professional Qualification (NFPA 1002), 1998 edition, which is incorporated by reference and on file with the Arizona Department of Transportation and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments.

“Private fire department” means a fire fighting business equipped to provide emergency fire-fighting devices for a private purpose that is neither a public service corporation nor a municipal entity.

“Private Fire Emergency Vehicle” means a fire engine operated by a private fire department for which an Emergency Vehicle Permit is issued.

“Registration” means the authorization, issued by the Division that allows a vehicle to use state highways.

“Registration fees” means the fees due to the Division at the time of registration and consisting of the general registration fees imposed under A.R.S. § 28-2003, the vehicle license tax imposed under A.R.S. § 28-5801, and the commercial registration and gross weight fees imposed under A.R.S. § 28-5433.

“Registration period” means the time-frame during which a vehicle registration is valid.

“Renewal registration” means the second and subsequent registration of an included vehicle.

Historical Note

Transferred to R17-1-301 (Supp. 92-4). New Section made by final rulemaking at 13 A.A.R. 3589, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 16 A.A.R. 1132, effective August 7, 2010 (Supp. 10-2).

R17-4-302. Staggered Registration for Apportioned Commercial Vehicles

Apportioned commercial vehicle fleet registration periods. The Division shall assign a registration period to a newly registered apportioned commercial vehicle fleet. The fleet owner and the Director shall mutually agree to the registration period and expiration date.

1. The Division shall:
 - a. Establish a registration period that expires on the last day of the calendar quarter selected by the fleet owner, not to exceed 12 months from the initial registration date.
 - b. Apply the original fleet registration fees towards the registration fees required for a replaced vehicle when an owner replaces a vehicle within a fleet.
 - c. Apply the original fleet registration fees towards the registration fees required for a transferred vehicle when an owner transfers a vehicle between fleets.
 - d. Refund any excess credit of registration fees in accordance with the provisions prescribed under A.R.S. § 28-2356.
2. The owner of an apportioned commercial fleet vehicle shall:
 - a. Ensure that all vehicles within a fleet have the same registration period.
 - b. Ensure that the fleet vehicle is not operated with an expired vehicle registration.
 - c. Maintain the assigned or selected registration period for at least three consecutive registration periods.
3. The Division shall not provide a grace period for late registration or late payment of fees.

Historical Note

Adopted effective August 1, 1988 (Supp. 88-3). Transferred to R17-1-302 (Supp. 92-4). New Section recodified from R17-4-216 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 3589, effective December 1, 2007 (Supp. 07-4).

R17-4-303. Biennial Registration**A.** Biennial registration.

1. The Division may register any vehicle biennially, unless excluded.
2. The Division shall register a newly licensed or newly leased vehicle biennially, unless the owner chooses to register the vehicle on an annual basis.

B. Excluded vehicles. The owner of a vehicle that meets any one of the following criteria is excluded from the biennial registration program:

1. A vehicle required to have an IM147 or OBD test within 12 months after the date of registration.
2. A vehicle that requires an annual emissions test.
3. A vehicle subject to any one of the following types of registration:
 - a. Allocated registration under A.R.S. § 28-2261,
 - b. Apportioned registration under A.R.S. § 28-2261,
 - c. Fleet registration under A.R.S. § 28-2202, or
 - d. Interstate registration under A.R.S. § 28-2052.
4. A vehicle with an undersized mobile home plate registration.
5. A vehicle that requires the owner to certify eligibility for a registration fee exemption on an annual basis; such as the registration exemption available to an active duty military member, a widow, widower, or disabled person other than a 100% disabled veteran.

Historical Note

Transferred to R17-1-303 (Supp. 92-4). New Section recodified from R17-4-217 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 3589, effective December 1, 2007 (Supp. 07-4).

R17-4-304. Staggered Registration for Included Vehicles**A.** Included vehicles. The Division shall assign one of the following staggered expiration dates when issuing an initial registration to an included vehicle:

1. If a vehicle has an effective date of registration from the first day through the 15th day of the month:
 - a. Annual registration expires on the 15th day of the month 12 months from the month the vehicle is subject to Arizona registration; or
 - b. Biennial registration expires on the 15th day of the month 24 months from the month the vehicle is subject to Arizona registration.
2. If a vehicle has an effective date of registration from the 16th day through the last day of the month:
 - a. Annual registration expires on the last day of the month 12 months from the month the vehicle is subject to Arizona registration; or
 - b. Biennial registration expires on the last day of the month 24 months from the month the vehicle is subject to Arizona registration.

B. Excluded vehicles. The staggered registration prescribed by this Section excludes the following vehicles:

1. A vehicle exempt from registration;
2. A vehicle subject to any one of the following types of registration:
 - a. Allocated registration under A.R.S. § 28-2261,
 - b. Apportioned registration under A.R.S. § 28-2261,
 - c. Fleet registration under A.R.S. § 28-2202,
 - d. Interstate registration under A.R.S. § 28-2052, or
 - e. Seasonal agricultural registration under A.R.S. § 28-5436;
3. A vehicle subject to a one-time registration fee;

4. A government vehicle, a vehicle owned by an official representative of a foreign government, or an emergency vehicle owned by a nonprofit organization as provided under A.R.S. § 28-2511(A);
5. A noncommercial trailer that is not a travel trailer as defined by A.R.S. § 28-2003(B) and is less than 6000 pounds gross vehicle weight under A.R.S. §§ 28-2003(A)(7) and 28-5801(C);
6. A moped;
7. A motorized electric or gas powered bicycle or tricycle capable of reaching speeds of 20 to 25 miles per hour.

C. Proration of fees. The Division shall prorate registration fees under A.R.S. §§ 28-2159, 28-5807, and 28-5434.**D.** Expiration dates. The Division shall utilize the following expiration dates, regardless of the effective date of the initial registration:

1. Annual registration: Expires 12 months from the expiration of the previous registration period; or
2. Biennial registration: Expires 24 months from the expiration of the previous registration period.

E. Application for registration. A person applying for an initial registration or renewal registration for an included vehicle shall submit the requirements prescribed under subsection (1) or (2):

1. If a person submits the registration to the Division or an Authorized Third-party Provider of registration functions in person or by mail:
 - a. The application for registration or registration card, and
 - b. Payment of registration fees.
2. If a person submits the registration to an Authorized Third-party Electronic Delivery Provider:
 - a. Required registration information, and
 - b. Credit card information.

F. Timely submission of registration. A person shall submit the renewal registration of an included vehicle not later than the day the prior registration period expires. If the prior registration period expires on a day other than an established business day, a person shall submit the renewal registration of an included vehicle not later than the first business day after the prior registration period expires.**G.** Penalties. The penalties imposed under A.R.S. § 28-2162 for delinquent renewal registration of an included vehicle shall apply when either of the following occurs:

1. A person does not submit to the Division or an Authorized Third-party Provider of registration functions the items set forth in subsection (E)(1) so that the items are received by the due date; or
2. A person does not electronically submit to an Authorized Third-party Electronic Delivery Provider the items required under subsection (E)(2) so that the items are received by the due date.

H. Date of receipt. The date of receipt for the items required under subsection (E)(1) or (E)(2) shall be the following:

1. The date a person presents the items required under subsection (E)(1) to a Division facility or the facility of an Authorized Third-party Provider of registration functions in person;
2. The date an Authorized Third-party Electronic Delivery Provider receives by computer or telephone the items set forth in subsection (E)(2);
3. The date a private express mail carrier receives the package containing the items set forth in subsection (E)(1), as indicated on the shipping package;

4. The date of the last business day prior to the day the Division retrieves the items set forth at subsection (E)(1) from a designated Division drop box; or
 5. The date of the United States Postal Service postmark stamped on the envelope containing the items set forth in subsection (E)(1), unless the vehicle is not in compliance with the motor vehicle emissions testing requirements.
- I.** Evidence of registration. The Division or Authorized Third-party Provider of registration functions shall assign and issue a number plate or plates to an included vehicle as evidence of registration.
1. The assigned number plate shall be attached and displayed on the rear of the assigned vehicle. When two plates are issued, the second plate may be attached to the front of the assigned vehicle.
 2. Improper number plate display shall subject the owner and operator of the vehicle to the sanctions imposed under A.R.S. §§ 28-2531(B) and 28-2532.
 3. Any registration tabs or stickers issued by the Division or Authorized Third-party Provider of registration functions shall be displayed on the appropriate number plate of the assigned vehicle.

Historical Note

Transferred to R17-1-304 (Supp. 92-4). New Section recodified from R17-4-218 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 13 A.A.R. 3589, effective December 1, 2007 (Supp. 07-4).

R17-4-305. Temporary Registration Plate “TRP” Procedure

- A.** Definitions.
1. “Charitable Event TRP” means a TRP issued to a motor vehicle dealership or manufacturer for a charitable event as prescribed by A.R.S. § 28-4548.
 2. “Deal Unwound” means the vehicle was returned to the dealership and the sale was not completed.
 3. “Voided TRP” means a TRP that the issuer records as voided after issuing the TRP.
- B.** Issuing.
1. New and used motor vehicle dealers and title service companies that issue TRPs shall send an electronic record of the TRP to the Division before placing the TRP on the vehicle.
 2. The TRP expiration date shall be 45 days from the issue date.
 3. TRPs issued for charitable events are valid for the duration of the event not to exceed 45 days.
 4. An issuer shall not issue more than one TRP per vehicle sale.
 5. An issuer shall attach the TRP to the vehicle rear in the same manner and position as a permanent license plate prescribed under A.R.S. § 28-2354.
- C.** Voiding. An issuer shall void a TRP when:
1. The TRP is lost,
 2. The TRP is damaged,
 3. The dealer reports a deal unwound,
 4. The issuer enters the wrong vehicle identification number, or
 5. The issuer enters the wrong customer identification number.

Historical Note

Transferred to R17-1-305 (Supp. 92-4). New Section R17-4-305 recodified from R17-4-219 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 11 A.A.R. 5320, effective February 6, 2006 (Supp. 05-4).

R17-4-306. Nonresident Daily Commuter Fee

A nonresident daily commuter shall pay a fee of \$8 for each motor vehicle exempt from registration under A.R.S. § 28-2294.

Historical Note

Former Rule, General Order 14. Former Section R17-4-05 renumbered without change as Section R17-4-306 (Supp. 87-2). Transferred to R17-1-306 (Supp. 92-4). New Section R17-4-306 recodified from R17-4-222 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 571, effective January 14, 2002 (Supp. 02-1).

R17-4-307. Motor Vehicle Registration and License Plate Reinstatement Fee

- A.** Under A.R.S. § 28-4151(A), the Division shall assess a \$50 fee for reinstatement of a motor vehicle registration and license plate suspended under A.R.S. §§ 28-4148 and 28-4149.
- B.** Subsection (A) does not apply to a motor carrier subject to the financial responsibility requirements prescribed under A.R.S. Title 28, Chapter 9, Article 2.

Historical Note

Former Rule, General Order 5. Former Section R17-4-03 renumbered without change as Section R17-4-307 (Supp. 87-2). Transferred to R17-1-307 (Supp. 92-4). New Section R17-4-307 recodified from R17-4-224 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 5439, effective November 14, 2001 (Supp. 01-4).

R17-4-308. Official Vehicle License Plates

- A.** The Motor Vehicle Division shall issue license plates without charge for official vehicles owned by any entity listed in A.R.S. § 28-2511(A).
- B.** A license plate issued under A.R.S. § 28-2511 has no expiration date.
- C.** An entity listed in A.R.S. § 28-2511(A) may transfer a license plate to another vehicle the entity owns.
- D.** A person who has custody of vehicles governed by A.R.S. § 28-2511 shall:
1. Complete title and registration procedures as prescribed under A.R.S. Title 28, Chapter 7;
 2. Display each license plate as prescribed by A.R.S. § 28-2354; and
 3. Maintain a record of each license plate transfer that includes:
 - a. The date of the transfer;
 - b. The year, make, and model of the vehicle, and
 - c. The vehicle identification number (VIN) for each car involved in the transfer.

Historical Note

Former Rule, General Order 20. Former Section R17-4-06 renumbered without change as Section R17-4-308 (Supp. 87-2). Transferred to R17-1-308 (Supp. 92-4). New Section R17-4-308 recodified from R17-4-252 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 573, effective January 14, 2002 (Supp. 02-1).

R17-4-309. Private Fire Emergency Vehicle Permit

- A.** Private Fire Emergency Vehicle Permit. A Private Fire Emergency Vehicle Permit may be issued to a private fire department if all requirements provided under subsections (B) and (C) are met.
1. The Private Fire Emergency Vehicle Permit is valid until revoked or surrendered.

2. The Private Fire Emergency Vehicle Permit shall be carried at all times in the fire engine for which the permit is issued.
 3. The Private Fire Emergency Vehicle Permit is not transferable.
 4. The Private Fire Emergency Vehicle Permit shall remain the property of the Division and shall be surrendered to the Division when the fire engine is no longer being used to respond to an emergency.
- B. Private Fire Emergency Vehicle Permit application.** A person applying for a Private Fire Emergency Vehicle Permit shall submit the required documentation to the Division's Enforcement Services Program, P.O. Box 2100, Mail Drop 513M, Phoenix, Arizona 85007. The following documentation is required at the time of initial application:
1. Private Fire Emergency Vehicle Permit Application. Multiple fire engines may be listed on one application. The Private Fire Emergency Vehicle Permit Application is furnished by the Division and is available upon request from the Division's Enforcement Services Program; and
 2. Proof of acceptable financial responsibility to cover any liability that may arise from the use of the Private Fire Emergency Vehicle Permit. Acceptable proof of financial responsibility is an insurance policy that:
 - a. Is issued by an insurance company licensed to conduct business in Arizona by the Arizona Department of Insurance;
 - b. Is written for a combined single-limit coverage of at least \$5 million;
 - c. Contains a provision stating that the state of Arizona shall be notified at least 30 days prior to any policy cancellation, nonrenewal, or change in provisions; and
 - d. Contains a provision stating that the state of Arizona shall be notified immediately if the insurance company becomes insolvent.
- C. Operational requirements.**
1. A fire engine may be operated with the privileges prescribed under A.R.S. § 28-624, but shall be subject to all other applicable provisions prescribed under A.R.S. Title 28, A.A.C. Title 17, and any other applicable statutes or ordinances.
 2. A fire engine shall only be driven by an operator who meets the Operator Requirements as defined under R17-4-301.
 3. A fire engine with a Private Fire Emergency Vehicle Permit, shall meet the National Fire Protection Association's (NFPA) fire engine and fire apparatus standards in effect for the manufacture date of the emergency vehicle.
 4. The private fire department is responsible for ensuring that the fire engine is not operated using the privileges prescribed under A.R.S. § 28-624 with an invalid Private Fire Emergency Vehicle Permit.
- D. Denial.** If an application for a Private Fire Emergency Vehicle Permit is denied, a notice of denial shall be sent to the applicant at the address of record. An applicant is allowed to reapply for a permit following denial, provided all requirements listed under this Section are met.
- E. Revocation.** If a Private Fire Emergency Vehicle Permit is revoked, a notice of the revocation shall be sent to the address of the applicant. An applicant is allowed to reapply for a permit following revocation, provided all requirements listed under this Section are met.
1. The emergency vehicle permit is immediately revoked upon a determination that:
 - a. The permitted vehicle or the private fire department no longer meets the requirements for the permit; or
 - b. The vehicle was operated in violation of the provisions of this rule, any other applicable rule, or statute.
 2. The revocation shall be preceded by a notice of intent to revoke.
 - a. The notice of intent to revoke shall be sent by first-class mail to the address of the applicant as shown on the permit application.
 - b. The notice of intent to revoke shall inform the applicant of the right to an administrative hearing and the procedure for requesting a hearing.
 3. The revocation shall become effective 25 days after the mailing date of the notice of intent to revoke unless a timely request for hearing is submitted.
- F. Administrative hearing.** The administrative hearing is held in accordance with the procedures prescribed under 17 A.A.C. 1, Article 5.

Historical Note

Former Rule, General Order 31. Former Section R17-4-11 renumbered without change as Section R17-4-309 (Supp. 87-2). Transferred to R17-1-309 (Supp. 92-4). New Section recodified from R17-4-701 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 14 A.A.R. 2106, effective July 5, 2008 (Supp. 08-2).

Appendix A. Repealed

Historical Note

Appendix A recodified from 17 A.A.C. 4, Article 7 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Appendix A repealed by final rulemaking at 14 A.A.R. 2106, effective July 5, 2008 (Supp. 08-2).

R17-4-310. Personalized License Plates

- A. Definitions.**
1. "Division" means the Motor Vehicle Division of the Arizona Department of Transportation.
 2. "Division Director" means the Assistant Division Director for the Motor Vehicle Division of the Arizona Department of Transportation.
 3. "Personalized plate" means a license plate with a registration number chosen by a person rather than assigned by the Division.
 4. "Plate number" means the combination of letters, numbers, and spaces on a vehicle license plate.
- B. A person who wants to receive a personalized plate shall file an application with the Division on a form provided by the Division.**
1. An applicant shall provide the following information on the form:
 - a. Name of the vehicle's owner or lessee;
 - b. Vehicle owner's or lessee's mailing address;
 - c. Vehicle's make and year;
 - d. Vehicle identification number;
 - e. Vehicle's current plate number;
 - f. Date the vehicle's current registration expires;
 - g. Plate number to appear on the personalized plate;
 - h. Meaning or message of the personalized plate; and
 - i. Other information required by the Division.
 2. If an applicant is purchasing the personalized plate as a gift for the vehicle's owner or lessee, the applicant shall also provide the applicant's name and mailing address.
- C. The Division shall reject the application if the requested plate number:**

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1. Refers to or connotes breasts, genitalia, pubic area, buttocks, or relates to sexual or eliminatory functions;
2. Refers to or connotes the substance, paraphernalia, sale, use, purveyor of, or physiological state produced by any illicit drug, narcotic, or intoxicant;
3. Expresses contempt for or ridicule or superiority of a class of persons;
4. Duplicates another registration number;
5. Has connotations that are profane or obscene; or
6. Uses linguistics, numbers, phonetics, translations from foreign languages or upside-down or reverse reading to achieve a reference or connotation prohibited in subsection (C)(1) through (C)(3) or (C)(5).

D. Rejection of application.

1. If the Division does not issue personalized plates to an applicant, the Division shall inform the applicant by mail.
2. An applicant may make a written appeal by letter for a review of the rejection, within 10 days after the date of the Division's notice, to the following address:
Motor Vehicle Division
Special Plates Unit, Mail Drop 801Z
PO Box 2100
Phoenix, Arizona 85001-2100.

E. Revocation of personalized plates; appeal.

1. If the Division determines that a personalized plate should not have been issued because it contains a plate number prohibited under subsection (C), the Division shall require the plate holder to surrender the plates to the division within 30 days after the date of the Division's mailed notice, unless the plate holder requests an appeal under subsection (D)(2).
2. A person who has been directed to surrender a personalized plate may submit a written appeal by letter as prescribed under subsection (D)(2).
3. Refund of personalized plate fees on revocation.
 - a. The Division shall refund the amount of the personalized plate fee and the pro rated amount of the special annual renewal fee to the person holding the revoked personalized plate along with any credit or refund calculated by the Division.
 - b. A person whose plate is revoked may request that instead of a refund, the Division issue the person a different personalized plate. The person shall apply for the personalized plate as prescribed under subsection (B).
4. The Division shall cancel the vehicle plate of a vehicle if the person who holds a revoked personalized plate does not surrender the plate within 30 days after the date of the Division's notice or, if the person timely requests an appeal, within 30 days after the Division issues a final decision.

Historical Note

Former Rule, General Order 25. Former Section R17-4-09 renumbered without change as Section R17-4-310 (Supp. 87-2). Transferred to R17-1-310 (Supp. 92-4). New Section recodified from R17-4-708 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 4227, effective November 15, 2002 (Supp. 02-3).

R17-4-311. Special Organization Plate List

As required under A.R.S. § 28-2404(D), the Division provides the following list of special organization license plates authorized by the state license plate commission and available for issue to qualified applicants:

1. Arizona Historical Society,

2. Firefighter,
3. Fraternal Order of Police,
4. Legion of Valor,
5. University of Phoenix, and
6. Wildlife Conservation.

Historical Note

Former Rule, General Order 24. Former Section R17-4-08 renumbered without change as Section R17-4-311 (Supp. 87-2). Transferred to R17-1-311 (Supp. 92-4). New Section made by exempt rulemaking at 7 A.A.R. 5251, effective November 2, 2001 (Supp. 01-4). Amended by exempt rulemaking at 8 A.A.R. 4007, effective November 1, 2002 (Supp. 02-3). Amended by exempt rulemaking at 13 A.A.R. 1894, effective June 1, 2007 (Supp. 07-2).

R17-4-312. Off-highway Vehicle User Indicia

- A.** For lawful Arizona off-highway operation, the owner or operator of a qualifying all-terrain vehicle, off-highway vehicle, or off-road recreational motor vehicle shall apply to the Department for an off-highway vehicle user indicia as prescribed under A.R.S. § 28-1177. The owner or operator shall submit to the Division:
 1. The off-highway vehicle user indicia application provided by the Division, and
 2. The fee prescribed under subsection (C).
- B.** The owner or operator shall indicate, on the application submitted to the Division under subsection (A), one of the following categories of intended vehicle usage:
 1. Exclusively off-highway;
 2. Primarily off-highway, occasionally on-highway; or
 3. Primarily on-highway, occasionally off-highway.
- C.** The fee for each off-highway vehicle user indicia issued or renewed by the Department under A.R.S. § 28-1177 is \$25.
- D.** The off-highway vehicle user indicia, issued by the Division under subsection (A), shall have the same basic design as the license plate tab issued by the Division for other types of vehicles and shall contain the letters OHV.
- E.** The applicant shall display the off-highway vehicle user indicia in the upper left corner of the license plate issued by the Division under A.R.S. Title 28, Chapter 7, Articles 11 through 15.

Historical Note

Former Rule, General Order 39. Former Section R17-4-13 renumbered without change as Section R17-4-312 (Supp. 87-2). Transferred to R17-1-312 (Supp. 92-4). New Section made by final rulemaking at 16 A.A.R. 1132, effective August 7, 2010 (Supp. 10-2).

R17-4-313. Transferred**Historical Note**

Former Rule, General Order 27. Former Section R17-4-10 renumbered without change as Section R17-4-313 (Supp. 87-2). Transferred to R17-1-313 (Supp. 92-4).

R17-4-314. Transferred**Historical Note**

Former Rule, General Order 69. Former Section R17-4-27 renumbered without change as Section R17-4-314 (Supp. 87-2). Transferred to R17-1-314 (Supp. 92-4).

R17-4-315. Transferred**Historical Note**

Former Rule, General Order 61. Former Section R17-4-23 renumbered without change as Section R17-4-315 (Supp. 87-2). Transferred to R17-1-315 (Supp. 92-4).

R17-4-316. Transferred**Historical Note**

Former Rule, General Order 57. Former Section R17-4-20 renumbered without change as Section R17-4-316 (Supp. 87-2). Transferred to R17-1-316 (Supp. 92-4).

R17-4-317. Transferred**Historical Note**

Former Rule, General Order 36. Former Section R17-4-12 renumbered without change as Section R17-4-317 (Supp. 87-2). Transferred to R17-1-317 (Supp. 92-4).

R17-4-318. Transferred**Historical Note**

Former Rule, General Order 7. Former Section R17-4-04 renumbered without change as Section R17-4-318 (Supp. 87-2). Transferred to R17-1-318 (Supp. 92-4).

R17-4-319. Transferred**Historical Note**

Former Rule, General Order 44. Former Section R17-4-14 renumbered without change as Section R17-4-319 (Supp. 87-2). Transferred to R17-1-319 (Supp. 92-4).

R17-4-320. Transferred**Historical Note**

Former Rule, General Order 54 (Amended). Former Section R17-4-18 renumbered without change as Section R17-4-320 (Supp. 87-2). Transferred to R17-1-320 (Supp. 92-4).

R17-4-321. Transferred**Historical Note**

Former Rule, General Order 21. Former Section R17-4-07 renumbered without change as Section R17-4-321 (Supp. 87-2). Transferred to R17-1-321 (Supp. 92-4).

R17-4-322. Transferred**Historical Note**

Former Rule, General Order 3. Former Section R17-4-02 renumbered without change as Section R17-4-322 (Supp. 87-2). Transferred to R17-1-322 (Supp. 92-4).

R17-4-323. Transferred**Historical Note**

Former Rule, General Order 2A. Former Section R17-4-01 renumbered without change as Section R17-4-323 (Supp. 87-2). Transferred to R17-1-323 (Supp. 92-4).

R17-4-324. Transferred**Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

R17-4-325. Transferred**Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

R17-4-326. Transferred**Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

R17-4-327. Transferred**Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

R17-4-328. Transferred**Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

R17-4-329. Transferred**Historical Note**

Transferred to R17-1-301 (Supp. 92-4).

R17-4-330. Transferred**Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-67 renumbered without change as Section R17-4-330 (Supp. 87-2). Transferred to R17-1-330 (Supp. 92-4).

R17-4-331. Transferred**Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-68 renumbered without change as Section R17-4-331 (Supp. 87-2). Transferred to R17-1-331 (Supp. 92-4).

R17-4-332. Transferred**Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-69 renumbered without change as Section R17-4-332 (Supp. 87-2). Transferred to R17-1-332 (Supp. 92-4).

R17-4-333. Transferred**Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-71 renumbered without change as Section R17-4-333 (Supp. 87-2). Amended effective December 30, 1987 (Supp. 87-4). Transferred to R17-1-333 (Supp. 92-4).

R17-4-334. Transferred**Historical Note**

Adopted effective March 1, 1984 (Supp. 84-1). Former Section R17-4-70 renumbered without change as Section R17-4-334 (Supp. 87-2). Transferred to R17-1-334 (Supp. 92-4).

R17-4-335. Transferred**Historical Note**

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-401 adopted as an emergency now adopted and amended as a permanent rule effective October 6, 1982 (Supp. 82-5). Amended effective November 13, 1986 (Supp. 86-6). Former Section R17-4-401 renumbered without change as Section R17-4-335 (Supp. 87-2). Transferred to R17-1-335 (Supp. 92-4).

R17-4-336. Transferred**Historical Note**

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-402 adopted as an emergency now adopted and amended as a permanent rule effective October 6, 1982 (Supp. 82-5). Amended effective November 13, 1986 (Supp. 86-6). Former Section R17-4-402 renumbered without change as Section R17-4-336 (Supp. 87-2). Transferred to R17-1-336 (Supp. 92-4).

R17-4-337. Transferred**Historical Note**

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-403 adopted as an emergency now adopted and amended as a permanent rule effective October 6, 1982 (Supp. 82-5). Amended effective November 13, 1986 (Supp. 86-6). Former Section R17-4-403 renumbered without change as Section R17-4-337 (Supp. 87-2). Transferred to R17-1-337 (Supp. 92-4).

R17-4-338. Transferred**Historical Note**

Transferred to R17-1-338 (Supp. 92-4).

R17-4-339. Transferred**Historical Note**

Transferred to R17-1-339 (Supp. 92-4).

R17-4-340. Transferred**Historical Note**

Transferred to R17-1-340 (Supp. 92-4).

R17-4-341. Transferred**Historical Note**

Transferred to R17-1-341 (Supp. 92-4).

R17-4-342. Transferred**Historical Note**

Transferred to R17-1-342 (Supp. 92-4).

R17-4-343. Transferred**Historical Note**

Transferred to R17-1-343 (Supp. 92-4).

R17-4-344. Transferred**Historical Note**

Transferred to R17-1-344 (Supp. 92-4).

R17-4-345. Transferred**Historical Note**

Transferred to R17-1-345 (Supp. 92-4).

R17-4-346. Transferred**Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Transferred to R17-1-346 (Supp. 92-4).

R17-4-347. Transferred**Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Transferred to R17-1-347 (Supp. 92-4).

R17-4-348. Transferred**Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Transferred to R17-1-348 (Supp. 92-4).

R17-4-349. Transferred**Historical Note**

Adopted effective October 8, 1987 (Supp. 87-4). Transferred to R17-1-349 (Supp. 92-4).

R17-4-350. Rental Vehicle Surcharge Reimbursement

A. Definitions. In addition to the definitions prescribed under A.R.S. § 28-5810, the following definitions apply to this Section, unless otherwise specified:

“Division” means the Arizona Department of Transportation, Motor Vehicle Division.

“Person” means an individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver or syndicate, this state, any county, city, town, district or other subdivision of this state, an Indian tribe, or any other group or combination acting as a unit.

“Previous year” means the prior calendar year, January 1 through December 31.

“Rental revenue” means the total contract amount stated in the retail contract less any taxes and fees imposed by A.R.S. §§ Title 42, Chapter 5, Article 1 and Title 48, Chapter 26, Article 2 and selected non-vehicle related charges (e.g., boxes, packing blankets, straps, tow bars, etc.).

“Surcharge” means the amount equal to five percent of the total contract amount stated in the rental contract less any taxes and fees imposed by A.R.S. Title 42, Chapter 5, Article 1 and Title 48, Chapter 26, Article 2 and selected non-vehicle related items (e.g., boxes, packing blankets, straps, tow bars, etc.).

“Vehicle License Tax” means the tax imposed by A.R.S. § 28-5801, less any fees credited under A.R.S. § 28-2356.

B. Reports. Each person subject to A.R.S. § 28-5810, who has conducted a vehicle rental business for any time period during the previous year, shall file an annual report, for the previous year, with the Division. The annual report is due no later than February 15 of each year, unless the rental business is closed before December 31, in which case the annual report is due immediately. The report shall be made on a form furnished by the Division and shall contain all of the following:

1. Address where business records are secured.
2. Authorized preparer's name, title, phone number, and mailing address.
3. Business name.
4. Business type (e.g., Individual, Partnership, Corporation, etc.).
5. Contact person's name, title, phone number, and mailing address.
6. Federal Employer Identification Number (FEIN)
7. Mailing address (if different from principal business address).
8. Principal business address.
9. Rental revenue, by county.
10. Total Arizona Vehicle License Tax paid on rental vehicles.
11. Total rental revenue.
12. Total surcharge collected.
13. Total surcharge due to the Division.
14. Type of rental business (e.g., passenger vehicle, semi-trailer, trailer, truck, etc.).

C. Records. A person in the business of renting vehicles, as defined under A.R.S. § 28-5810, is required to maintain records in support of the required annual reports for a period of four years from the date of the filing of the required annual report or the due date of the report, whichever is longer. The records shall contain all information in support of:

1. The total amount of Vehicle License Tax paid during the previous year. Supporting Vehicle License Tax records shall include, but are not limited to:
 - a. The Vehicle Identification Number.
 - b. The Arizona vehicle license plate number.

- c. A copy of the Arizona registration.
 - d. The amount paid for Vehicle License Tax minus any Vehicle License Tax fee credited under A.R.S. § 28-2356.
 - e. The date on which the Vehicle License Tax was paid.
 - f. The dates the rental vehicle was in and out of service.
2. The total gross amount of Arizona vehicle rental revenues collected for the previous year. Supporting Arizona vehicle rental revenue records shall include, but are not limited to:
 - a. The rental contract.
 - b. The amount of surcharge collected.
 - c. Chart of accounts.
 3. The amount of the surcharge collected during the previous year. Supporting surcharge collection records shall include, but are not limited to:
 - a. The rental contract.
 - b. The total amount stated in the rental contract, supported by relevant documentation.
 4. Failure to keep and maintain proper records or failure to provide records for audit purposes may result in an the Division making an assessment, against the rental business for the total surcharge amount estimated to have been collected, as determined from the best information available to the assistant Director.
- D. Audits.** Each audit of a person who collects the surcharge will be conducted in accordance with Generally Accepted Accounting Procedures and Government Auditing Standards (The Yellow Book, 2003 Revision).
1. Records shall be made available for audit during normal business hours at the rental business location in Arizona. Audits may be conducted at an out of state location, to be paid by the rental business. Audit expenses, per diem, and travel to be paid in accordance with the Arizona Department of Transportation expense guidelines in effect at the time of the audit.
 2. The Division Director shall have appropriate subpoena powers to require records to be produced for examination and to take testimony. In accordance with A.R.S. § 28-5922, failure to respond to the Director's or agent of the Director's request for records will cause the Director to issue subpoenas for the production of records or allow seizure of records.

Historical Note

New Section made by final rulemaking at 13 A.A.R. 2058, effective August 4, 2007 (Supp. 07-2).

ARTICLE 4. DRIVER LICENSES

R17-4-401. Definitions

In addition to the definitions provided under A.R.S. §§ 28-101, 28-1301, and 28-3001, the following definitions apply to this Article unless otherwise specified:

“Director” means the Division Director or the Division Director’s designee.

“Division” means the Arizona Department of Transportation, Motor Vehicle Division.

“Financial responsibility (accident) suspension” means a suspension, by the Division, of:

The Arizona driver license or driving privilege of an owner of a vehicle that:

Lacks the coverage required under A.R.S. § 28-4135, and

Is involved in an accident in Arizona; and

The Arizona registration of a vehicle, unless the Division receives proof the vehicle was sold.

“Gore area” is defined under A.R.S. § 28-644.

“Proof the vehicle was sold” means a written statement to the Division from an owner that includes the following:

The seller’s name;

The VIN;

The sale date; and

The purchaser’s name and address.

“Restricted permit” means written permission from the Division for:

A person subject to a financial responsibility (accident) suspension to operate a motor vehicle only:

Between the person’s home and workplace,

During the person’s work-related activities, or

Between the person’s home and school; and

A vehicle with an Arizona registration subject to a financial responsibility (accident) suspension to be operated by a person specified under R17-4-402 only:

Between the person’s home and workplace;

During the person’s work-related activities; or

Between the person’s home and school.

“State” means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

“SR22” means a certificate of insurance that complies with requirements under A.R.S. § 28-4077(A).

“Thirty-six-month period” means the time measured from the date of the most recent violation with assigned points for which a driver has a conviction or judgment to that day and month three years before the date of the violation.

“Traffic survival school” means a Division-licensed business that offers training and educational sessions to improve the safety and habits of drivers required to successfully complete the training and educational sessions under Arizona Revised Statutes, Title 28.

“Twelve-month period” means the time measured from the date of the most recent violation with assigned points for which a driver has a conviction or judgment to that day and month one year before the date of the violation.

“Twenty-four-month period” means the time measured from the date of the most recent violation with assigned points for which a driver has a conviction or judgment to that day and month two years before the date of the violation.

“VIN” or “vehicle identification number” is defined under A.R.S. § 13-4701(4).

“Withdrawal action” means a Division action that invalidates a person’s Arizona driving privilege or a vehicle’s Arizona registration, which includes:

A cancellation;

A suspension;

A revocation;

Any outstanding warrant; or

Any unresolved citation.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 5220,

effective February 3, 2003 (Supp. 02-4). Amended by final rulemaking at 12 A.A.R. 871, effective March 7, 2006 (Supp. 06-1). Amended by final rulemaking at 14 A.A.R. 839, effective March 4, 2008 (Supp. 08-1).

R17-4-402. Restricted Permit During a Financial Responsibility (Accident) Suspension

- A.** An applicant for a restricted permit shall:
1. Have no withdrawal action other than the financial responsibility (accident) suspension;
 2. Provide an SR22 Certificate of Insurance as proof of future financial responsibility that must be kept in force for three consecutive years after the effective date of the financial responsibility (accident) suspension;
 3. Pay the \$10 driving privilege reinstatement fee under A.R.S. § 28-4144(C)(2)(b); and
 4. Pay the \$25 motor vehicle registration and license plate reinstatement fee under A.R.S. § 28-4144(C)(2)(b), or if the vehicle was sold before the date of the accident, provide proof the vehicle was sold as defined under R17-4-401;
 5. Pay the driving privilege reinstatement application fee under A.R.S. § 28-3002(A)(2); and
 6. Satisfy any applicable requirements of A.R.S. § 28-4033(A)(2)(c) or 28-4144(C).
- B.** In addition to subsection (A) during a financial responsibility (accident) suspension, a restricted permit applicant may:
1. Apply for an original or renew an Arizona driver license by:
 - a. Complying with A.R.S. §§ 28-3153, 28-3158, or 28-3171; and
 - b. Paying the application fee under A.R.S. § 28-3002(A)(2) determined by the applicant's age on the application date; or
 2. Obtain a duplicate Arizona driver license by paying the \$12 duplicate driver license application fee under A.R.S. § 28-3002(A)(7).
- C.** At the end of the financial responsibility (accident) suspension, the Division shall immediately remove the driving privilege restriction from the Arizona driving record when the person surrenders an expired restricted permit to the Division.

Historical Note

New Section recodified from R17-4-227 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 5220, effective February 3, 2003 (Supp. 02-4). Amended by final rulemaking at 16 A.A.R. 2448, effective February 5, 2011 (Supp. 10-4).

R17-4-403. Application for Duplicate Driver License or Duplicate Nonoperating Identification License; Fees

- A.** An applicant shall apply to the Division, on a form provided by the Division, for a duplicate driver license or a duplicate nonoperating identification license.
- B.** The fee for the duplicate driver license or duplicate nonoperating identification license issued by the Division is \$12 under A.R.S. §§ 28-3002(A) and 28-3165.

Historical Note

New Section made by final rulemaking at 16 A.A.R. 2448, effective February 5, 2011 (Supp. 10-4).

R17-4-404. Driver Point Assessment

- A.** Point assessment. The Division shall assign points to a driver, as prescribed under Table 1, Driver Point Valuation, for each violation resulting in a conviction or judgment.
- B.** Actions after point assessment. Under A.R.S. § 28-3306(A)(3), if a driver accumulates eight or more points in the twelve-month period, the Division shall:

1. Order the driver to successfully complete the curriculum of a licensed traffic survival school; or
 2. Suspend the driver's Arizona driver license or driving privilege.
- C.** Traffic survival school order of assignment. The Division shall send a dated order of assignment to traffic survival school, as prescribed under A.R.S. § 28-3318, to a driver who accumulates 8 to 12 points in the twelve-month period, and who did not previously complete traffic survival school in the twenty-four-month period.
1. The order of assignment shall:
 - a. Instruct the driver to submit any hearing request to the Division within 15 days after the date of the order of assignment; and
 - b. Instruct the driver that failure to successfully complete traffic survival school within 60 days after the date of the order of assignment will result in the Division issuing a six-month order of suspension.
 2. The Division shall record that a driver completed traffic survival school if:
 - a. A licensed traffic survival school reports that the driver successfully completed the curriculum, or
 - b. The driver presents to the Division an original certificate of completion issued by a licensed traffic survival school, within 30 days of issuance of the certificate.
- D.** Suspension for failure to complete traffic survival school. The Division shall mail a driver a six-month order of suspension, as prescribed under A.R.S. § 28-3318, if the driver failed to establish completion of traffic survival school in accordance with subsection (C). The order of suspension shall:
1. Specify the period within which the driver may submit a hearing request to the Division; and
 2. Specify the effective date of the suspension.
- E.** Suspension for accumulation of excessive points. The Division shall mail an order of suspension as prescribed under A.R.S. § 28-3318 to a driver who accumulates an excessive amount of points. The order of suspension shall:
1. Specify the length of the suspension as follows:
 - a. A three-month suspension for accumulation of 13 to 17 points in the twelve-month period;
 - b. A three-month suspension for accumulation of 8 to 12 points in the twelve-month period and traffic survival school successfully completed in the twenty-four-month period;
 - c. A six-month suspension for accumulation of 18 to 23 points in the twelve-month period;
 - d. A 12-month suspension for accumulation of 24 or more points in the thirty-six-month period;
 2. Specify the period within which the driver may submit a hearing request to the Division; and
 3. Specify the effective date of the suspension.
- F.** Licensed schools.
1. Under the provisions of A.R.S. § 28-3307, the Division shall assign an individual only to a traffic survival school licensed by the Director.
 2. Governmental agencies, corporations, or other individuals conducting training and educational sessions designed to improve the safety and habits of drivers may, upon request, receive the approval of the Director when they offer the approved curriculum taught by qualified instructors.
- G.** Approved curriculum. The Director shall approve in writing a uniform curriculum that the traffic survival school shall teach to individuals assigned to school. The curriculum will be

selected and approved on the basis of effectiveness in improving the safety and habits of drivers.

- H.** Qualified instructors. Only those persons who meet the following qualifications will be deemed qualified instructors and allowed to teach individuals assigned by the Division to approved schools:
 1. An instructor shall be a high school graduate and shall have successfully completed an examination given for qualifications of instructors by the Division.
 2. An instructor shall complete a curriculum workshop approved by the Director. An instructor may be temporarily certified if the instructor successfully completes, as a student, a course using Division approved curriculum and agrees to attend the next available curriculum workshop for complete orientation.
 3. An instructor shall be at least 21 years of age, have an acceptable personal driving record, be accepted for employment by an approved school, and be of good moral character.
- I.** Withdrawal of approval. The Director is authorized, after affording a party a hearing, to withdraw approval of any training and education school and is authorized to withdraw the approval of any instructor when satisfactory evidence shows a school or instructor, individually or collectively, has failed to maintain the approved standards or has given the Division false information in their application for approval.
- J.** Conflict of interest. No full-time employee of the state of Arizona shall receive any direct pecuniary payments from registration fees paid by those who attend approved schools.

Historical Note

New Section recodified from R17-4-506 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 12 A.A.R. 4446, effective November 7, 2006 (Supp. 06-4). Amended by final rulemaking at 14 A.A.R. 839, effective March 4, 2008 (Supp. 08-1).

Table 1. Driver Point Valuation

Violation	Points
A.R.S. § 28-1381, driving or actual physical control of a vehicle while under the influence.	8
A.R.S. § 28-1382, driving or actual physical control of a vehicle while under the extreme influence of intoxicating liquor.	8
A.R.S. § 28-1383, aggravated driving or actual physical control while under the influence.	8
A.R.S. § 28-693, reckless driving.	8
A.R.S. § 28-708, racing on highways.	8
A.R.S. § 28-695, aggressive driving.	8
A.R.S. §§ 28-662, 28-663, 28-664, or 28-665, relating to a driver's duties after an accident.	6
A.R.S. § 28-672(A), failure to comply with a red traffic-control signal, failure to yield the right of way when turning left at an intersection, failure to yield the right of way to a pedestrian, failure to exercise due care, failure to stop for a school bus stop signal, or failure to comply with a stop sign, and the failure results in an accident causing death to another person.	6
A.R.S. § 28-672(A), failure to comply with a red traffic-control signal, failure to yield the right of way when turning left at an intersection, failure to yield the right of way to a pedestrian, failure to exercise due care, failure to stop for a school bus stop signal, or failure to comply with a stop sign, and the failure results in an accident causing serious physical injury to another person.	4
A.R.S. § 28-701, reasonable and prudent speed.	3
A.R.S. § 28-644(A)(2), driving over, across, or parking in any part of a gore area.	3
Any other traffic regulation that governs a vehicle moving under its own power.	2

Historical Note

New Table 1 made by final rulemaking at 14 A.A.R. 839, effective March 4, 2008 (Supp. 08-1).

R17-4-405. Emergency expired

Historical Note

Emergency rule adopted effective August 6, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency expired.

R17-4-406. Minor's Application for Permit or License

- A.** For the purposes of administering the provisions of A.R.S. § 28-3160, the following definitions apply to this Section:
 1. "Application," means a form provided by the Division that includes the Legal Guardian Affidavit required by the Division to be submitted with each minor's driver license application.
 2. "Guardian" means one who has been appointed by a court of law to care for a minor child, but only if both parents of the child are deceased, or an agency as defined in A.R.S. § 8-513.
 3. "Parent" means the natural or adoptive father or mother of a child.
- B.** Procedure when both parents sign: If both parents sign a child's application, no proof of custody need be furnished.
- C.** Procedure when only one parent signs:
 1. If the signing parent is married to the child's other parent, that fact shall be stated and it shall be presumed the signing parent has custody of the child.
 2. If the signing parent is not married to the child's parent because the other parent is deceased, that fact shall be

stated and it shall be presumed the signing parent has custody of the child.

3. If the signing parent is not married to the child's other parent, the signing parent shall affirm, by sworn statement to the Division or a notary public, that the other parent does not have custody of the child, in which event the Division shall presume the signing parent has custody of the child.

D. Procedure when both parents are deceased:

1. If both parents are deceased, the minor or minor's guardian shall attach certified copies of certificates of death or other satisfactory proof of death, that includes a court judgment, affidavits of close relatives of the child, or school records.
2. A person who is guardian of a child shall sign an application as defined by this rule or furnish a certified court order appointing guardianship.
3. An employer signing the application shall certify the person employs the minor on the date of application.
4. A person who has custody of a child shall sign a Legal Guardian Affidavit affirming custody or furnish a certified court order awaiting custody.

E. Proof of custody. Proof of custody may be established by a certified copy of the court order awarding custody or a written affirmation by the person signing the application.

Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-201 adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Correction, (C)(4) should read "... governed by R17-4-58" as certified effective November 30, 1983 (Supp. 84-3). Former Section R17-4-201 renumbered without change as Section R17-4-406 Supp. (87-2). Former Section R17-4-406 repealed, new Section R17-4-406 adopted effective July 14, 1989 (Supp. 89-3). Section recodified to R17-4-450 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-510 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 12 A.A.R. 4446, effective November 7, 2006 (Supp. 06-4).

R17-4-407. Repealed

Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-202 adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Correction, subsection (D) as certified effective November 30, 1983 (Supp. 84-3). Former Section R17-4-202 renumbered without change as Section R17-4-407 (Supp. 87-2). Section recodified to R17-4-451 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-706 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 1158, effective May 12, 2003 (Supp. 03-1).

R17-4-408. Mandatory Extension of a Certified Ignition Interlock Device Order

- A.** For purposes of this Section, "conviction" has the meaning prescribed in A.R.S. § 28-101(12).
- B.** For the duration of a certified ignition interlock device order, each conviction for violating A.R.S. §§ 28-1464(A), 28-

1464(C), 28-1464(D), 28-1464(F), or 28-1464(H) of the person subject to the order will result in the Division's extension of the order.

- C.** Each extension by the Division of a person's certified ignition interlock device order shall be for one year.

Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-203 and Appendix D adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Correction, added (C)(5) as certified effective November 30, 1983 (Supp. 84-3). Former Section R17-4-203 renumbered without change as Section R17-4-408 (Supp. 87-2). Section recodified to R17-4-452 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-709.10 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-409. Application for Nonoperating Identification License; Fees

- A.** An applicant shall apply to the Division, on a form provided by the Division, for a nonoperating identification license, and shall comply with the requirements under A.R.S. § 28-3165.
- B.** Satisfactory proof of an applicant's name and date of birth may be established by any of the following:
 1. Birth certificate,
 2. Citizenship papers,
 3. Passport,
 4. School identification,
 5. Military discharge papers, or
 6. Military I.D. card.
- C.** An applicant shall pay a \$12 fee for a nonoperating identification license.

Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-204 and Appendix B adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Former Section R17-4-204 renumbered without change as Section R17-4-409 (Supp. 87-2). Section recodified to R17-4-453 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-508 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 12 A.A.R. 4446, effective November 7, 2006 (Supp. 06-4). Amended by final rulemaking at 16 A.A.R. 2448, effective February 5, 2011 (Supp. 10-4).

R17-4-410. Voter Registration Through the Motor Vehicle Division

- A.** For purposes of this Section:
 1. "License" has the same meaning as "driver's license" under A.R.S. § 16-111(2).
 2. "MVD" means the Arizona Department of Transportation, Motor Vehicle Division.
- B.** To register to vote in Arizona through the MVD as provided for in A.R.S. § 16-112, a person who completes a transaction listed in subsection (C) shall complete and return to MVD:
 1. A Secretary of State-approved hardcopy voter registration form for the county of the person's residence, or
 2. An electronic voter registration form through MVD's ServiceArizona web site or through MVD's driver license

system along with an electronic verification that the person meets voter eligibility criteria under A.R.S. § 16-101.

- C. Subsection (B) applies to the following license transactions:
1. Initial licensee application;
 2. License renewal;
 3. Duplicate driver license; or
 4. Licensee personal information update.
- D. MVD shall transfer the voter registration forms and the data collected under this Section by:
1. Mailing the completed hardcopy forms to the appropriate county recorder; and
 2. Transmitting the data from completed electronic voter registration forms and licensee personal information updates to the Secretary of State as prescribed under A.A.C. R2-12-605 for further distribution to the appropriate county recorder.
- E. MVD shall maintain the confidentiality of applicant information as required under A.R.S. Title 16, Chapter 1.

Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-205 adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Former Section R17-4-205 renumbered without change as Section R17-4-410 (Supp. 87-2). Section recodified to R17-4-454 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 8 A.A.R. 2394, effective May 9, 2002 (Supp. 02-2). Amended by final rulemaking at 12 A.A.R. 1329, effective June 4, 2006 (Supp. 06-2).

R17-4-411. Special Ignition Interlock Restricted Driver License: Application, Restrictions, Reporting, Fee

- A. In addition to the requirements prescribed in A.R.S. § 28-3158, a person applying for a special ignition interlock restricted driver license shall:
1. If the person is suspended for a first offense of A.R.S. § 28-1321:
 - a. Complete at least 90 consecutive days of the period of the suspension, and
 - b. Maintain a functioning certified ignition interlock device during the remaining period of the suspension.
 2. If the person is revoked for a first offense of A.R.S. § 28-1383(A)(3):
 - a. Complete at least 90 consecutive days of the suspension under A.R.S. § 28-1385,
 - b. Submit proof to the Division that the person has completed an approved alcohol or drug screening or treatment program, and
 - c. Maintain a functioning certified ignition interlock device during the remaining period of the revocation.
 3. If the person has a court-ordered restriction under A.R.S. §§ 28-3320 or 28-3322:
 - a. Comply with the restrictions in subsection (C), and
 - b. Maintain a functioning certified ignition interlock device during the remaining period of the court-ordered restriction.
- B. The Division shall not issue a special ignition interlock restricted driver license if the person's driver license or driving privilege is suspended or revoked for a reason not under subsections (A)(1), (2), or (3).
- C. A person applying for a special ignition interlock restricted driver license shall pay the following fees:

- | | |
|----------------------|---------|
| 1. Age 50 or older | \$10.00 |
| 2. Age 45 – 49 | \$15.00 |
| 3. Age 40 – 44 | \$20.00 |
| 4. Age 39 or younger | \$25.00 |

- D. A special ignition interlock restricted driver license issued under subsection (A), permits a person to operate a motor vehicle equipped with a functioning certified ignition interlock device as prescribed in A.R.S. § 28-1402(A).
- E. Reporting. On the eleventh month after the initial date of installation and each eleventh month thereafter for as long as the person is required to maintain a functioning certified ignition interlock device, each installer shall electronically provide the Division all of the following information as recorded by the certified ignition interlock device:
1. Date installed;
 2. Person's full name;
 3. Person's date of birth;
 4. Person's customer or driver license number;
 5. Installer and manufacturer name;
 6. Installer fax number;
 7. Date report interpreted;
 8. Report period;
 9. Any tampering of the device within the meaning of A.R.S. § 28-1301(9);
 10. Any failure of the person to provide proof of compliance or inspection as prescribed in A.R.S. § 28-1461;
 11. Any attempts to operate the vehicle with an alcohol concentration exceeding the presumptive limit prescribed in A.R.S. § 28-1381(G)(3), or if the person is younger than 21 years of age, attempts to operate the vehicle with any spirituous liquor in the person's body; and
 12. Any other information required by the Director.
- F. A person applying for a special ignition interlock restricted driver license shall provide proof of financial responsibility prescribed in Title 28, Arizona Revised Statutes, Chapter 9, Article 3.

Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-206 and Appendices C and E adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Former Section R17-4-206 renumbered without change as Section R17-4-411 (Supp. 87-2). Section recodified to R17-4-455 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 12 A.A.R. 871, effective March 7, 2006 (Supp. 06-1).

R17-4-412. Extension of a Special Ignition Interlock Restricted Driver License: Hearing, Burden of Proof and Presumptions

- A. Extension. The Division shall extend a person's special ignition interlock restricted driver license for a period of one year if the Division has reasonable grounds to believe:
1. The person tampered with the certified ignition interlock device within the meaning of A.R.S. § 28-1301(9),
 2. The person fails to provide proof of compliance prescribed in A.R.S. § 28-1461, or
 3. The person attempted to operate the vehicle with an alcohol concentration exceeding the presumptive limit prescribed in A.R.S. § 28-1381(G)(3) three or more times during the period of license restriction or limitation, or if the person is younger than 21 years of age, attempted to operate the vehicle with any spirituous liquor in the per-

son's body three or more times during the period of license restriction or limitation.

- B. Hearing. If a person's special ignition interlock restricted driver license is extended under subsection (A), the person may submit, within 15 days of the date of the order of extension of the restriction, a written request to the Division requesting a hearing. A request for hearing stays the extension of the restriction.
- C. Burden of proof and presumptions.
 1. The hearing office shall presume that the person's whose special ignition interlock restricted driver license is extended under subsection (A)(3), was the person in control of the vehicle and the person attempted to operate the vehicle with an alcohol concentration exceeding the presumptive limit in A.R.S. § 28-1381, or tampered with the device within the meaning of A.R.S. § 28-1301(9).
 2. The person may rebut the presumption by a showing of clear and convincing evidence that the person whose special ignition interlock restricted driver license being extended, was not the person in control of the vehicle or attempted to operate the vehicle with an alcohol concentration exceeding the presumptive limit in A.R.S. § 28-1381, or tampered with the device within the meaning of A.R.S. § 28-1301(9).
- D. Except for subsection (A)(2), if the Division suspends, revokes, cancels, or otherwise rescinds a person's special ignition interlock restricted driver license for any reason, the Division shall not issue a new license or reinstate the special ignition interlock restricted driver license during the original period of suspension or revocation or while the person is otherwise ineligible to receive a license.

Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-207 adopted as an emergency effective August 18, 1983, now adopted as a permanent rule effective November 30, 1983 (Supp. 83-6). Correction, (A)(3) as certified effective November 30, 1983 (Supp. 84-3). Former Section R17-4-207 renumbered without change as Section R17-4-412. Correction: subsection (F), paragraph (6), "overweight" corrected to read: "overheight" (Supp. 87-2). Section recodified to R17-4-456 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 12 A.A.R. 871, effective March 7, 2006 (Supp. 06-1).

R17-4-413. Lifetime Disqualification Reinstatement

- A. Definitions. In addition to the definitions prescribed under A.R.S. §§ 28-101 and 28-3001, the following definitions apply to this Section, unless otherwise specified:
 - "CDL" means Commercial Driver License.
 - "Lifetime disqualification" means the individual is disqualified for life from operating a commercial motor vehicle as prescribed under 49 CFR 391.15.
 - "Permanently disqualified" means the individual will never be able to obtain a commercial driver license.
- B. Eligibility. An individual with a lifetime disqualification may request reinstatement of the individual's commercial driving privilege if:
 1. Ten years have passed since the date of the lifetime disqualification.
 2. The individual:
 - a. Is otherwise eligible for licensure.
 - b. Has continuously been eligible for a driver license during the most recent 10-year period.

- c. Has not previously reinstated CDL privileges for another lifetime disqualification.
- d. Has no record of a conviction for any of the following violations, in any state, within the previous 10-year period:
 - i. Driving while under the influence of alcohol or a controlled substance.
 - ii. Having a blood alcohol concentration of .04 or greater while driving a commercial motor vehicle.
 - iii. Refusal to submit to a blood alcohol concentration test.
 - iv. Leaving the scene of an accident.
 - v. Using a vehicle in the commission of a felony.
 - vi. Operating a commercial motor vehicle as defined under A.R.S. § 28-3001 while his or her commercial driving privileges are canceled, disqualified, suspended, or revoked.
 - vii. Causing a fatality through the negligent operation of a commercial motor vehicle.

- C. Application after lifetime disqualification. If the Division determines that the individual is eligible to reinstate his or her commercial driving privilege, the individual may obtain a new CDL by paying all required fees, submitting the medical examination form prescribed under Section R17-4-508(A)(1), and successfully completing all CDL written, vision, and demonstration-skill testing applicable to the type of CDL, including any endorsements, for which the individual is applying.
- D. Permanent disqualification.

1. An individual who reinstated his or her commercial driving privilege in accordance with this Section and who is subsequently given a lifetime disqualification under A.R.S. § 28-3312 is permanently disqualified.
2. An individual convicted of using any vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance is permanently disqualified.
3. An individual who more than once refuses a test in violation of A.R.S. § 28-1321 if the refusals involve more than one incident is permanently disqualified.
4. An individual who more than once is convicted of violating A.R.S. § 28, Chapter 4, Article 3 is permanently disqualified.

Historical Note

Adopted as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Former Section R17-4-208 adopted as an emergency effective August 18, 1983, now adopted without change as a permanent rule effective November 30, 1983 (Supp. 83-6). Former Section R17-4-208 renumbered without change as Section R17-4-413 (Supp. 87-2). Section recodified to R17-4-457 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 2155, effective August 4, 2007 (Supp. 07-2).

R17-4-414. Commercial Driver License Applicant Driver History Check; Required Action; Hearing

- A. Applicability. The provisions of this Section shall apply to all applicants requesting an original, renewal, reinstatement, transfer, or upgrade of a commercial driver license or commercial driver license instruction permit.
- B. Driver History Check. In compliance with 49 CFR 384.206, 384.210, 384.225, and 384.232:
 1. The Department shall require each applicant for a commercial driver license to supply the names of all states

where the applicant has previously been licensed to operate a motor vehicle.

2. The Department shall request the complete driver history record from all states where the applicant was licensed to operate a motor vehicle within the previous 10 years. The Department shall make a driver history request no earlier than:

- a. Twenty-four hours prior to the issuance of a commercial driver license or commercial driver license instruction permit for an applicant who does not currently possess a valid Arizona commercial driver license; or
- b. Ten days prior to the issuance of a commercial driver license or commercial driver license instruction permit for an applicant who currently possesses a valid Arizona commercial driver license.

3. The Department shall record and maintain as part of the driver history all convictions, disqualifications, and other licensing actions for violations of any state or local law relating to motor vehicle traffic control, other than a parking violation, committed in any type of vehicle by a commercial driver licensee or any driver operating a commercial motor vehicle.

C. Required Action. In compliance with 49 CFR 384.210 and 384.231:

1. The Department shall, based on the findings of the driver history checks, issue a commercial driver license or commercial driver license instruction permit to a qualified applicant.
2. In the case of a reported conviction, disqualification, or other licensing action, the Department shall promptly cancel, disqualify, suspend, or revoke the person's commercial driving privilege as prescribed under A.R.S. Title 28, Chapters 4, 6, 8, and 14 and A.A.C. Title 17.
3. The Department shall send written notification of the action to the person describing the action taken by the Department.

D. Hearing. A hearing may be allowed when the driver history information received by the Department is a result of a case of mistaken identity or identity theft.

1. The person shall submit a hearing request in writing and comply with A.A.C. R17-1-502.
2. The hearing request shall be submitted within 20 days from the date the notice of action was mailed.
3. The hearing request shall indicate whether the request for the hearing is based on a case of identity theft or mistaken identity.
4. The hearing shall be held in accordance with the procedures prescribed under A.R.S. § 28-3317 and 17 A.A.C. 1, Article 5.
5. It shall be presumed that the information received from the driver history check belongs to the person. The person may overcome this presumption if the person is able to present evidence that either:
 - a. The person is not the driver convicted of the reported violation as in a case of mistaken identity; or
 - b. The person's identity was stolen and the applicant or licensee was not the driver convicted of the violation.
6. The scope of the hearing is limited to determining whether the person is the driver convicted of the reported driver history information, not the validity of the underlying conviction or licensing action that occurred in another licensing jurisdiction.

Historical Note

Adopted effective December 18, 1995 (Supp. 95-4). Section recodified to R17-4-458 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 14 A.A.R. 4100, effective October 7, 2008 (Supp. 08-4).

R17-4-415. Reserved

R17-4-416. Reserved

R17-4-417. Reserved

R17-4-418. Reserved

R17-4-419. Reserved

R17-4-420. Recodified

Historical Note

Former Rule, General Order 58. Former Section R17-4-21 renumbered without change as Section R17-4-420 (Supp. 87-2). Section recodified to R17-4-459 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-421. Recodified

Historical Note

Former Rule, General Order 79. Former Section R17-4-33 renumbered without change as Section R17-4-421 (Supp. 87-2). Section recodified to R17-4-460 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-422. Recodified

Historical Note

Adopted as an emergency effective July 29, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-4). Emergency expired. Permanent rule adopted effective February 12, 1986 (Supp. 86-1). Former Section R17-4-73 renumbered without change as Section R17-4-422 (Supp. 87-2). Section recodified to R17-4-461 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-423. Recodified

Historical Note

Former Rule, General Order 94. Former Section R17-4-38 renumbered without change as Section R17-4-423 (Supp. 87-2). Section R17-4-423 repealed, new Section adopted effective February 21, 1990 (Supp. 90-1). Section recodified to R17-4-462 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-424. Recodified

Historical Note

Former Rule, General Order 99. Former Section R17-4-40 renumbered without change as Section R17-4-424 (Supp. 87-2). Section recodified to R17-4-463 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-425. Recodified

Historical Note

Former Section R17-4-53 renumbered without change as Section R17-4-425 (Supp. 87-2). Section recodified to R17-4-464 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-426. Recodified

Historical Note

Adopted effective January 12, 1977 (Supp. 77-1). Amended subsections (A), (C), (D), and (H) effective January 23, 1981 (Supp. 81-1). Former Section R17-4-55

renumbered without change as Section R17-4-426 (Supp. 87-2). Section recodified to R17-4-465 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-427. Recodified

Historical Note

Adopted effective March 31, 1978 (Supp. 78-2). Former Section R17-4-58 renumbered without change as Section R17-4-427 (Supp. 87-2). Section recodified to R17-4-466 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-428. Recodified

Historical Note

New Section recodified from A.A.C. R17-3-403 at 7 A.A.R. 1260, effective February 20, 2001 (Supp. 01-1). Section recodified to R17-4-467 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-429. Reserved

R17-4-430. Reserved

R17-4-431. Reserved

R17-4-432. Reserved

R17-4-433. Reserved

R17-4-434. Reserved

R17-4-435. Recodified

Historical Note

Adopted as an emergency effective July 1, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-3). Former Section R17-4-63 adopted as an emergency now adopted and amended as a permanent rule effective October 8, 1982 (Supp. 82-5). Amended effective August 19, 1983 (Supp. 83-4). Correction to amendments shown effective August 19, 1983. The subsection “IT IS ORDERED: --” was also amended effective August 19, 1983, but not shown (Supp. 83-5). Amended effective February 18, 1986 (Supp. 86-1). Amended effective May 12, 1986 (Supp. 86-3). Adding Historical Note for Supp. 87-1, “Amended effective February 28, 1987.” Former Section R17-4-63 renumbered as Section R17-4-435 and amended by adding a new subsection (C) effective April 7, 1987 (Supp. 87-2). Amended by adding paragraph (20) in subsection (B) and renumbering accordingly effective March 23, 1989 (Supp. 89-1). Amended as an emergency effective January 4, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1). Emergency expired. Emergency amendments re-adopted effective April 25, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days; permanent amendments adopted effective May 18, 1990 (Supp. 90-2). Section R17-4-435 repealed, new Section R17-4-435 adopted effective October 24, 1990 (Supp. 90-4). Emergency amendments effective November 27, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency amendments readopted effective May 6, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Amended and renumbered to R17-4-435 and R17-4-435.01 through R17-4-435.04 effective August 16, 1991 (Supp. 91-3). Amended effective February 23, 1993 (Supp. 93-1). Amended effective April 4, 1994 (Supp. 94-2). Amended effective October 16, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 770, effective February 1, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 662, effective January

11, 2001 (Supp. 01-1). Amended by final rulemaking at 7 A.A.R. 3215, effective July 12, 2001 (Supp. 01-3). Section recodified to R17-5-202 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-435.01. Recodified

Historical Note

Section R17-4-435.01 renumbered from R17-4-435(C) and amended effective August 16, 1991 (Supp. 91-3). Amended effective February 23, 1993 (Supp. 93-1). Amended effective April 4, 1994 (Supp. 94-2). Amended effective October 16, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 770, effective February 1, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 662, effective January 11, 2001 (Supp. 01-1). Amended by final rulemaking at 7 A.A.R. 3215, effective July 12, 2001 (Supp. 01-3). Section recodified to R17-5-203 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-435.02. Recodified

Historical Note

Section R17-4-435.02 renumbered from R17-4-435(D) and amended effective August 16, 1991 (Supp. 91-3). Amended effective February 23, 1993 (Supp. 93-1). Amended effective April 4, 1994 (Supp. 94-2). Amended effective October 16, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 770, effective February 1, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 662, effective January 11, 2001 (Supp. 01-1). Amended by final rulemaking at 7 A.A.R. 3215, effective July 12, 2001 (Supp. 01-3). Section recodified to R17-5-204 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-435.03. Recodified

Historical Note

Section R17-4-435.03 adopted effective August 16, 1991 (Supp. 91-3). Amended effective February 23, 1993 (Supp. 93-1). Amended effective April 4, 1994 (Supp. 94-2). Amended by final rulemaking at 6 A.A.R. 770, effective February 1, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 662, effective January 11, 2001 (Supp. 01-1). Amended by final rulemaking at 7 A.A.R. 3215, effective July 12, 2001 (Supp. 01-3). Section recodified to R17-5-205 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-435.04. Recodified

Historical Note

Section R17-4-435.04 renumbered from R17-4-435(E), (F) and (G) and amended effective August 16, 1991 (Supp. 91-3). Amended by final rulemaking at 6 A.A.R. 770, effective February 1, 2000 (Supp. 00-1). Section recodified to R17-5-206 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-435.05. Recodified

Historical Note

Section R17-4-435.02 renumbered from R17-4-435(D) and amended effective August 16, 1991 (Supp. 91-3). Amended by final rulemaking at 6 A.A.R. 770, effective February 1, 2000 (Supp. 00-1). Section recodified to R17-5-207 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-435.06. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 770, effective February 1, 2000 (Supp. 00-1). Section recodified to R17-5-208 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-436. Recodified**Historical Note**

Adopted effective October 24, 1990 (Supp. 90-4). Amended effective July 3, 1991 (Supp. 91-3). Amended effective February 28, 1992 (Supp. 92-1). Amended effective October 21, 1993 (Supp. 93-4). Amended effective August 12, 1994 (Supp. 94-3). Amended effective November 21, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 3841, effective September 13, 2000 (Supp. 00-3). Amended by final rulemaking at 7 A.A.R. 3215, effective July 12, 2001 (Supp. 01-3). Section recodified to R17-5-209 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-437. Emergency Expired**Historical Note**

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired.

R17-4-437.01. Emergency Expired**Historical Note**

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired.

R17-4-437.02. Emergency Expired**Historical Note**

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired.

R17-4-437.03. Emergency Expired**Historical Note**

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired.

Appendix A. Emergency Expired**Historical Note**

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired.

R17-4-437.04. Emergency Expired**Historical Note**

Emergency rule adopted effective April 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired.

R17-4-438. Recodified**Historical Note**

Adopted effective March 21, 1994 (Supp. 94-1). Section recodified to R17-5-210 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-439. Recodified**Historical Note**

Adopted effective March 21, 1994 (Supp. 94-1). Section

recodified to R17-5-211 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-440. Recodified**Historical Note**

Adopted effective March 21, 1994 (Supp. 94-1). Section recodified to R17-5-212 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-441. Reserved**R17-4-442. Reserved****R17-4-443. Reserved****R17-4-444. Repealed****Historical Note**

Amended effective January 5, 1977 (Supp. 77-1). Repealed as an emergency effective August 18, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-4). Repealed effective November 30, 1983 (Supp. 83-6). New Section R17-4-52 adopted as an emergency effective July 25, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-4). Emergency expired. Permanent rule adopted effective February 27, 1986 (Supp. 86-1). Amended subsections (A) and (B) effective February 18, 1987 (Supp. 87-1). Former Section R17-4-52 renumbered without change as Section R17-4-444 (Supp. 87-2). Repealed effective October 13, 1987 (Supp. 87-4).

R17-4-445. Recodified**Historical Note**

Section R17-4-421 adopted and renumbered as Section R17-4-445 effective October 13, 1987 (Supp. 87-4). Amended subsection (A) effective May 20, 1988 (Supp. 88-2). Amended effective January 2, 1996 (Supp. 96-3). Section recodified to R17-5-504 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-446. Recodified**Historical Note**

Section R17-4-422 adopted and renumbered as Section R17-4-446 effective October 13, 1987 (Supp. 87-4). Section recodified to R17-5-505 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-447. Recodified**Historical Note**

Section R17-4-423 adopted and renumbered as Section R17-4-447 effective October 13, 1987 (Supp. 87-4). Section recodified to R17-5-506 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-448. Recodified**Historical Note**

Section R17-4-424 adopted and renumbered as Section R17-4-448 effective October 13, 1987 (Supp. 87-4). Amended effective January 2, 1996 (Supp. 96-3). Section recodified to R17-5-507 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-449. Reserved**R17-4-450. Repealed****Historical Note**

New Section recodified from R17-4-406 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section

repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-451. Repealed

Historical Note

New Section recodified from R17-4-407 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-452. Repealed

Historical Note

New Section recodified from R17-4-408 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-453. Repealed

Historical Note

New Section recodified from R17-4-409 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-454. Repealed

Historical Note

New Section recodified from R17-4-410 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-455. Repealed

Historical Note

New Section recodified from R17-4-411 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4351, effective September 17, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 926, effective February 13, 2002 (Supp. 02-1). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-456. Repealed

Historical Note

New Section recodified from R17-4-412 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-457. Repealed

Historical Note

New Section recodified from R17-4-413 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-458. Repealed

Historical Note

New Section recodified from R17-4-414 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-459. Repealed

Historical Note

Former Rule, General Order 58. Former Section R17-4-21 renumbered without change as Section R17-4-420

(Supp. 87-2). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-460. Repealed

Historical Note

New Section recodified from R17-4-421 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-461. Repealed

Historical Note

New Section recodified from R17-4-422 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-462. Repealed

Historical Note

New Section recodified from R17-4-423 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-463. Repealed

Historical Note

New Section recodified from R17-4-424 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-464. Repealed

Historical Note

New Section recodified from R17-4-425 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-465. Repealed

Historical Note

New Section recodified from R17-4-426 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-466. Repealed

Historical Note

New Section recodified from R17-4-427 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

R17-4-467. Repealed

Historical Note

New Section recodified from R17-4-428 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 641, effective April 8, 2003 (Supp. 03-1).

ARTICLE 5. SAFETY

R17-4-501. Definitions

In addition to the definitions provided under A.R.S. §§ 28-101, 28-3001, 28-3005, and 32-1601, in this Article, unless otherwise specified:

“Adaptation” means a modification of or addition to the standard operating controls or equipment of a motor vehicle.

“Applicant” or “licensee” means a person:

Applying for an Arizona driver license or driver license renewal, or

Required by the Division to complete an examination successfully or to obtain an evaluation.

“Application” means the Division form required to be completed by or for an applicant for a driver license or driver license renewal.

“Arizona Driver License Manual” or “manual” means the reference booklet for applicants, issued by the Division, containing non-technical explanations of the Arizona motor vehicle laws.

“Aura” means a sensation experienced before the onset of a neurological disorder.

“Commercial Driver License physical qualifications” means driver medical qualification standards for a person licensed in class A, B, or C to operate a commercial vehicle as prescribed under 49 CFR 391, incorporated by reference under R17-5-202 and R17-5-204.

“Director” means the Division Director or the Division Director’s designee.

“Disqualifying medical condition” means a visual, physical, or psychological condition, including substance abuse, that impairs functional ability.

“Division” means the Arizona Department of Transportation, Motor Vehicle Division.

“Evaluation” means a medical assessment of an applicant or licensee by a specialist as defined below to determine whether a disqualifying medical condition exists.

“Examination” means testing or evaluating an applicant’s or licensee’s:

Ability to read and understand official traffic control devices,

Knowledge of safe driving practices and the traffic laws of this state, and

Functional ability.

“Functional ability” means the ability to operate safely a motor vehicle of the type permitted by an Arizona driver license class or endorsement.

“Identification number” means a distinguishing number assigned by the Division to a person for a license or instruction permit.

“Licensee” means a person issued a driver license by this state.

“Licensing action” means an action by the Division to:

Issue, deny, suspend, revoke, cancel, or restrict a driver license; or

Require an examination or evaluation of an applicant or licensee.

“Medical code” means a system of numerals or letters indicating the licensee suffers from some type of adverse medical condition.

“Medical screening questions and certification” means the questions and certification on the application.

“Neurological disorder” means a malfunction or disease of the nervous system.

“Seizure” means a neurological disorder characterized by a sudden alteration in consciousness, sensation, motor control, or behavior, due to an abnormal electrical discharge in the brain.

“Specialist” means:

A physician who is a surgeon or a psychiatrist;

A physician whose practice is limited to a particular anatomical or physiological area or function of the human body, patients with a specific age range; or

A psychologist.

“Substance abuse” means:

Use of alcohol in a manner that makes the user an alcoholic as defined in A.R.S. § 36-2021, or

Use of controlled substance in a manner that makes the user a drug dependent person as defined in A.R.S. § 36-2501.

“Substance abuse counselor” is defined in A.R.S. § 28-3005.

“Substance abuse evaluation” means an assessment by a physician, specialist, or certified substance abuse counselor to determine whether the use of alcohol or a drug impairs functional ability.

“Successful completion of an examination” means an applicant or licensee:

Establishes the visual, physical, and psychological ability to operate a motor vehicle safely, or

Achieves a score of at least 80% on any required tests.

Historical Note

Adopted effective December 14, 1995 (Supp. 95-4). Section recodified to R17-5-706 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 8 A.A.R. 3241, effective July 12, 2002 (Supp. 02-3). Amended by final rulemaking at 8 A.A.R. 5223, effective December 5, 2002 (Supp. 02-4). Amended by final rulemaking at 10 A.A.R. 2829, effective August 7, 2004 (Supp. 04-2). Amended by final rulemaking at 13 A.A.R. 1127, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 227, effective March 8, 2008 (Supp. 08-1).

R17-4-502. General Provisions for Visual, Physical, and Psychological Ability to Operate a Motor Vehicle Safely

A. Applicant’s or licensee’s responsibility. To comply with the Division’s screening process for safe operation of a motor vehicle, an applicant or licensee shall:

1. Provide the Division with all requested information about the applicant’s or licensee’s visual, physical, or psychological condition;
2. Successfully complete all required examinations;
3. Obtain all required evaluations;
4. Ensure timely submission of evaluation reports to the Division; and
5. Appear at all required interviews.

B. Screening process for safe operation of a motor vehicle. This subsection and subsections (C) through subsection (E) state the screening process for safe operation of a motor vehicle.

1. An applicant shall complete the application, including the medical screening questions and certification.
2. An applicant without a valid driver license, who successfully completes all required examinations, shall obtain an evaluation if:
 - a. The Division informs the applicant that the applicant’s responses to the medical screening questions indicate the existence of a disqualifying medical condition; or
 - b. The applicant comes under subsection (C)(1)(a), subsection (C)(1)(c), or subsection (C)(1)(d).

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3. An applicant for license renewal shall successfully complete an examination if the applicant's responses to the medical screening questions indicate that since the applicant's last driver license renewal:
 - a. The applicant has developed a visual, physical, or psychological condition that may constitute a disqualifying medical condition; or
 - b. There has been a change in an existing visual, physical, or psychological condition that may constitute a disqualifying medical condition.
 4. As soon as an applicant's medical condition allows, the applicant shall notify the Division, in writing or by telephone, that the applicant has or may have a medical condition not previously reported to the Division that affects the applicant's functional ability.
 5. Upon receipt of the notification required under subsection (B)(4), the Division shall require the applicant to:
 - a. Complete the medical screening questions and certification on the application, and
 - b. Continue with the screening process for safe operation of a motor vehicle.
- C. Evaluation, interview, and additional evaluation.** An applicant or licensee shall submit to an evaluation, attend an interview, or submit to an additional evaluation as required by the Division.
1. The Division shall require an evaluation if the Director notifies the applicant or licensee in writing that:
 - a. The applicant or licensee comes under the provisions of R17-4-503 or R17-4-506;
 - b. The applicant or licensee reports a possible disqualifying medical condition or fails to successfully complete an examination;
 - c. The applicant or licensee shows unexplained confusion, loss of consciousness, or incoherence that is observed by Division personnel; or
 - d. A person with direct knowledge submits to the Division written information about specific events or conduct indicating the applicant or licensee may have a disqualifying medical condition.
 2. The applicant or licensee shall have the physician, appropriate specialist, or certified substance abuse counselor who performs an evaluation submit, to the Division's Medical Review Program, an evaluation report on a form provided by the Division.
 3. If the evaluation report on the applicant or licensee is inconclusive regarding the existence of a disqualifying medical condition, the Division shall require the applicant or licensee to appear for an interview to explain information in the evaluation report.
 4. If the Division is unable to determine whether a disqualifying medical condition exists after an interview with the applicant or licensee, the Division shall require an additional evaluation, performed by an appropriate specialist and reported to the Division's Medical Review Program, on a form provided by the Division.
 5. An applicant or licensee shall pay for any expense incurred by the applicant or licensee to show compliance with the visual, physical, and psychological standards for a driver license.
- D. Licensing action.** The Division shall take a licensing action after requiring an applicant or licensee to complete an examination successfully, obtain an evaluation and submit an evaluation report, or appear at an interview.
1. The Division shall deny a driver license if an applicant:
 - a. Fails to complete successfully an examination; or
 - b. Fails to:
 - i. Obtain an evaluation;
 - ii. Have a physician, appropriate specialist, or certified substance abuse counselor submit an evaluation report to the Division within 30 days after the Division notifies the applicant that an evaluation is required; or
 - iii. Appear at an interview; or
 - c. Has an evaluation report submitted that indicates a disqualifying medical condition.
 2. The Division shall summarily suspend a licensee's driver license under A.R.S. §§ 28-3306 and 41-1064 for a reason stated in subsection (D)(1).
 3. The Division shall issue a revocation notice with a notice of summary suspension. The revocation notice shall inform the licensee that:
 - a. Unless the Division receives the licensee's timely hearing request under subsection (F), the revocation becomes effective:
 - i. Fifteen days after the date the licensee is personally served with the notice; or
 - ii. Twenty days after the date the notice is mailed to the licensee.
 - b. A person who wishes to obtain a license after suspension or revocation shall reapply for a license as specified in A.R.S. § 28-3315.
 4. The Division shall issue a driver license to an applicant or shall not suspend or revoke a licensee's driver license if:
 - a. The applicant or licensee successfully completes all required examinations and the Division does not require an evaluation, or
 - b. The applicant or licensee obtains all required evaluations and the most recent evaluation report submitted on behalf of the applicant or licensee conclusively indicates no disqualifying medical condition.
- E. Driver license restrictions.** If an applicant or licensee uses an adaptation, including those listed below to demonstrate functional ability during an examination, the Division shall indicate the adaptation as a restriction on a driver license issued to the applicant or licensee and on the applicant's or licensee's driving record.
1. Automatic transmission,
 2. Hand dimmer switch,
 3. Left-foot gas pedal,
 4. Parking-brake extension,
 5. Power steering,
 6. Power brakes,
 7. Six-way power seat,
 8. Right-side directional signal,
 9. A device that enables an operator to spin the steering wheel,
 10. A device that enables full foot control,
 11. Dual outside mirrors,
 12. Chest restraints,
 13. Shoulder restraints,
 14. A device that extends pedals,
 15. A device that enables full hand control, and
 16. Adapted seat.
- F. Hearings.** This subsection states the hearing procedure for licensing actions taken by the Division after the screening process for safe operation of a motor vehicle.
1. If the Division takes an adverse licensing action under this Section, an applicant or licensee may request a hearing with the Division's Executive Hearing Office. A hearing request is timely if received by the Division:

- a. Within 15 days after the date the notice is delivered to the applicant or licensee, or
- b. Within 20 days after the date the notice is mailed to the applicant or licensee.
- 2. A.A.C. R17-1-501 through R17-1-511 and R17-1-513 govern a hearing conducted under this subsection.
- 3. The administrative law judge shall sustain, modify, or void the Division's licensing action.
- G.** The Division shall not release information required to be submitted to the Division under this Section by an applicant or licensee except to a person or entity qualified under A.R.S. § 28-455.

Historical Note

New Section recodified from R17-4-520 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 3241, effective July 12, 2002 (Supp. 02-3). Amended by final rulemaking at 9 A.A.R. 1861, effective June 3, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 1127, effective May 5, 2007 (Supp. 07-1).

Exhibit A. Repealed

Historical Note

New Exhibit made by final rulemaking at 8 A.A.R. 3241, effective July 12, 2002 (Supp. 02-3). Section repealed by final rulemaking at 13 A.A.R. 1127, effective May 5, 2007 (Supp. 07-1).

R17-4-503. Vision standards

A. Definitions.

- 1. "Binocular vision" means the ability to see in both eyes.
- 2. "Bioptic Telescopic Lens System" means a bioptic, spectacle-mounted corrective lens prescribed by a physician or optometrist for meeting vision acuity requirements for driving that uses magnification as the main method of obtaining minimal visual acuity.
- 3. "Corrected visual acuity" means distance vision corrected by eyeglasses, contact lenses, or a bioptic telescopic lens system.
- 4. "Corrective lens" means eyeglasses, contact lenses, or a bioptic telescopic lens system used to correct distance vision.
- 5. "Diplopia" means double vision.
- 6. "Field of vision" means the area in which objects may be seen when the eye is fixed.
- 7. "Impaired night vision" means below normal ability to see in reduced light.
- 8. "Monocular vision" means the ability to see in one eye only.
- 9. "Optometrist" means a person licensed to practice optometry in any state, territory, or possession of the United States or the Commonwealth of Puerto Rico.
- 10. "Retinitis pigmentosa" means a chronic progressive inflammation of the retina with atrophy and pigmentary infiltration of the inner layers of the retina.
- 11. "Snellen Chart" means a chart imprinted with lines of black letters of decreasing size for testing visual acuity.
- 12. "Visual acuity" means the clarity of a person's vision.

B. Standard.

- 1. Visual acuity. A person shall have binocular or monocular vision and visual acuity of 20/40 in at least one eye.
- 2. Field of vision. Field of vision shall be 70 degrees temporally, and 35 degrees nasally, in at least one eye.

C. Restrictions.

- 1. A person with corrected vision shall wear corrective lenses at all times when driving if the corrective lens is required to achieve the vision standards in subsection (B).
- 2. The Division shall restrict a person with diagnosed impaired night vision to daytime driving only.
- 3. The Division shall restrict a person with binocular vision and corrected or uncorrected visual acuity of 20/50 or 20/60, when using both eyes, to daytime driving only.
- 4. The Division shall not license a person with monocular vision and visual acuity of 20/50 or greater.
- 5. The Division shall not license a person with binocular vision and visual acuity of 20/70 or greater.

D. Screening process.

- 1. The Division, a physician, or an optometrist may administer visual acuity and field of vision screening through the use of visual screening equipment to determine if a person's visual acuity and field of vision meets minimum standards.
- 2. A person may use a bioptic telescopic lens system during vision screening.
 - a. Beginning on the date of a initial application and every year thereafter, a person using a bioptic telescopic lens system shall submit to the Division an annual exam performed by a physician or optometrist to ascertain whether the person has a progressive eye disease.
 - b. The Division shall not license a person using a bioptic telescopic lens system unless the person submits to the Division a written statement from a physician or an optometrist that the individual meets the visual acuity standard as prescribed in subsection (B).
 - c. The Division shall not license a person using a bioptic telescopic lens system with magnification of the lens that is more than 4X.
- 3. The Division shall conduct visual acuity screening through the use of visual screening equipment or the Snellen Chart to determine whether a person's corrected vision is 20/40 in at least one eye.

E. Reporting requirements.

- 1. A person choosing to have initial visual acuity and visual field screening done by a physician or an optometrist shall submit the results to the Division.
- 2. If the Division does initial visual acuity and visual field screening and the person does not meet vision standards of subsection (B), the Division shall require the person to submit the results of the person's visual acuity and vision field screening by a physician or an optometrist.
- 3. The Division shall require a person diagnosed with any of the following conditions to file the results of the person's visual acuity and visual field screening completed by the physician or optometrist:
 - a. Any progressive eye disease,
 - b. Diplopia, or
 - c. Impaired night vision.

F. Results of visual acuity and visual field screening shall contain the following.

- 1. An examination date no more than three months before the submission date to the Division;
- 2. Visual acuity and field of vision;
- 3. If applicable, specification that the person is monocular;
- 4. If applicable, diagnosis of any condition described in subsection (E)(3);
- 5. Any recommendations on frequency of reporting requirements for the person, in addition to those required by the Division;

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6. Suggested restrictions on driving, in addition to those required by the Division; and
 7. Any recommendations on the person's ability to safely operate a motor vehicle.
- G.** The Division shall require a driving test if a person's eye disease is determined by a physician or optometrist to be progressive.

Historical Note

New Section recodified from R17-4-521 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 12 A.A.R. 221, effective January 10, 2006 (Supp. 06-1).

R17-4-504. Medical Alert Conditions

- A.** Definition. In this Section, "license" means any class driver license, commercial driver license, non-operating identification license, or instruction permit.
- B.** Medical alert condition displayed on license. The Division will provide on each license a space to indicate a medical alert condition. A list of recognized medical alert conditions is available at all Motor Vehicle Division Customer Service offices and Authorized Third Party Driver License offices.
- C.** Retention of medical alert condition authorization. The Division will not maintain the medical alert code on the Division computer record unless written authorization is submitted.
- D.** A person shall submit a signed statement, from a physician or registered nurse practitioner, stating that the person is diagnosed with a medical condition. The signed statement is required every time the person requests a license unless the person authorizes the Division to maintain the medical code in the Division computer.

Historical Note

Adopted effective September 25, 1991 (Supp. 91-3). Section repealed by final rulemaking at 7 A.A.R. 3831, effective August 10, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 1127, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 227, effective March 8, 2008 (Supp. 08-1).

R17-4-505. Repealed**Historical Note**

Adopted effective May 2, 1990 (Supp. 90-2). Section repealed by final rulemaking at 7 A.A.R. 3831, effective August 10, 2001 (Supp. 01-3).

R17-4-506. Neurological Standards

- A.** Driver license application.
1. A person who has a seizure in the three months before applying for a driver license shall undergo a medical examination as provided in R17-4-502.
 2. After the medical examination under R17-4-502, the person or the person's physician shall submit the medical examination report to the Division.
 3. The Division shall not issue a driver license to a person if the medical examination report shows that the person has a neurological disorder that affects the person's ability to operate a motor vehicle safely.
- B.** Driver license revocation.
1. A person with a driver license or non-resident driving privileges who experiences a seizure shall cease driving and:
 - a. Undergo a medical examination as provided in R17-4-502;
 - b. Submit the medical examination report to the Division; and

- c. Undergo a follow-up medical examination within one year after the seizure or within a shorter time, as recommended by a physician.
 2. After each medical examination, the person or the person's physician shall submit the applicable medical examination report to the Division.
 3. The Division shall revoke a person's driver license or nonresident driver privileges if any medical examination report shows the person has a neurological disorder that affects the person's ability to operate a motor vehicle safely.
- C.** Medical examination report. A medical examination report under this Section shall include the following information:
1. Age at onset of seizures, diagnosis, and history;
 2. Aftereffects of seizures;
 3. EEG findings, if any;
 4. Description, cause, frequency, duration, and date of most recent seizure;
 5. Current medications, including dosage, side effects, and serum level; and
 6. A physician's medical opinion as to whether the neurological disorder will affect the person's ability to operate a motor vehicle safely.
- D.** Physician's medical opinion. A neurological disorder does not affect a person's ability to operate a motor vehicle safely if a physician concludes with reasonable medical certainty that:
1. Any seizure that occurred within the last three months was due to a change in anticonvulsant medication ordered by a physician and that seizures are under control after the change in medication;
 2. Any seizure that occurred within the last three months was a single event that will not recur in the future;
 3. Any seizure is likely to occur but has an established pattern of occurring only during sleep; or
 4. There is an established pattern of an aura of sufficient duration to allow the person to cease operating a motor vehicle immediately at the onset of the aura.

Historical Note

Former Rule, General Order 107; Amended effective April 28, 1981 (Supp. 81-2). Amended effective July 1, 1985 (Supp. 85-4). Former Section R17-4-46 renumbered without change as Section R17-4-506 (Supp. 87-2). Emergency amendment adopted effective December 31, 1998, pursuant to A.R.S. § 28-366, for a maximum of 180 days (Supp. 98-4). Emergency amendment expired June 29, 1999 pursuant to A.R.S. § 41-1026(C) (Supp. 99-3). Emergency amendment adopted effective October 1, 1999, pursuant to A.R.S. § 28-366, for a maximum of 180 days (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 1172, effective March 9, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 3221, effective July 12, 2001 (Supp. 01-3). Section recodified to R17-4-404 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-522 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 5440, effective November 14, 2001 (Supp. 01-4). Amended by final rulemaking at 8 A.A.R. 5223, effective December 5, 2002 (Supp. 02-4).

R17-4-507. Driver License Identification Number

- A.** The Division shall assign an identification number to each person who receives a driver license, nonoperating identification license, or instruction permit. The Division shall place a person's identification number on the person's license, nonoperating identification, or instruction permit.

- B.** The Division shall not use a person's Social Security Number as the person's identification number unless:
1. The person's current driver license or nonoperating identification license has a Social Security Number as the identification number, or
 2. The person requests that the person's Social Security Number be used as the identification number.

Historical Note

Adopted effective July 24, 1985 (Supp. 85-4). Amended effective March 13, 1986 (Supp. 86-2). Former Section R17-4-50 renumbered without change as Section R17-4-507 (Supp. 87-2). Amended by final rulemaking at 7 A.A.R. 4355, effective September 14, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 5223, effective December 5, 2002 (Supp. 02-4).

R17-4-508. Commercial Driver License Physical Qualifications

A. Requirements.

1. A Commercial Driver License applicant shall submit to the Division a U.S. Department of Transportation medical examination form completed as prescribed under 49 CFR 391.43:
 - a. Except as provided in subsection (A)(1)(c) of this Section, by a professional licensed to practice by the federal government, any state, or U.S. territory with one of the following credentials:
 - i. Medical Doctor,
 - ii. Doctor of Osteopathy,
 - iii. Doctor of Chiropractic,
 - iv. Nurse Practitioner, or
 - v. Physician Assistant, and
 - b. Upon the applicant's initial application and at the time of each 24-month renewal.
 - c. An optometrist, licensed to practice by the federal government, any state, or U.S. territory, may perform the medical examination as it pertains to visual acuity, field of vision, and the ability to recognize colors as specified in 49 CFR 391.43(b)(10).
2. As prescribed under 49 CFR 391.41(a), a licensee who possesses a Commercial Driver License shall keep an original or photographic copy of the licensee's current medical examination form required under subsection (A)(1) available for law enforcement inspection upon request.
3. A licensee who possesses a Commercial Driver License shall notify the Division of a physical condition that develops or worsens causing noncompliance with the Commercial Driver License physical qualifications as soon as the licensee's medical condition allows.

B. Commercial Driver License suspension and revocation notification procedure. To notify a licensee of any Commercial Driver License suspension and revocation under subsection (C), the Division shall simultaneously mail two notices within 15 days after a medical examination form's due or actual submission date to the licensee's address of record that:

1. Suspends the licensee's Commercial Driver License beginning on the notice's date; and
2. Revokes the licensee's Commercial Driver License 15 days after the date of the suspension notice issued under subsection (B)(1).

C. Noncompliance actions.

1. Initial application denial. If an applicant's initial medical examination form required under subsection (A)(1) shows that the applicant does not comply with the Commercial Driver License physical qualifications, the Division shall immediately mail the Commercial Driver License denial notification to the applicant's address of record.

2. Twenty-four month renewal suspension and revocation. If a renewing Commercial Driver licensee submits:

- a. No medical examination form required under subsection (A)(1) or a form indicating noncompliance with Commercial Driver License physical qualifications, the Division shall follow the suspension and revocation notification procedure prescribed under subsection (B).
- b. An incomplete medical examination form required under subsection (A)(1), the Division shall immediately return the incomplete form with a letter requesting that the licensee provide missing information to the Division within 45 days after the date of the Division's letter. The Division shall follow the suspension and revocation notification procedure prescribed under subsection (B) if the licensee fails to return requested information in the time-frame prescribed in this subsection.
- c. A medical examination form required under subsection (A)(1) that indicates the licensee's blood pressure is greater than 140 systolic or 90 diastolic, the Division shall mail notice to the licensee requiring three additional blood pressure evaluations:
 - i. Made on three different days,
 - ii. Performed by a qualified professional as prescribed under subsection (A)(1)(a), and
 - iii. Returned to the Division within 90 days after the Division's written notification. The Division shall follow the suspension and revocation notification procedure prescribed under subsection (B) if the licensee fails to return requested information prescribed under this subsection.
- d. A medical examination form required under subsection (A)(1) that indicates the licensee's blood pressure is greater than 180 systolic or 110 diastolic, the Division shall follow the suspension and revocation notification procedure prescribed under subsection (B).

D. A Commercial Driver License that remains revoked for longer than 12 months expires. The holder of an expired Commercial Driver License may obtain a new Commercial Driver License by successfully completing all Commercial Driver License original-application written, vision, and demonstration-skill testing and submitting the medical examination form prescribed under subsection (A)(1).

E. Administrative hearing. A person who is denied a Commercial Driver License or whose Commercial Driver License is suspended or revoked under this Section may request a hearing according to the procedure prescribed under 17 A.A.C. 1, Article 5. The hearing is held in accordance with the procedures prescribed under A.A.C. R17-1-501 through R17-1-511 and R17-1-513.

Historical Note

Adopted effective October 31, 1975 (Supp. 75-1). Former Section R17-4-57 renumbered without change as Section R17-4-508 (Supp. 87-2). Emergency amendments adopted effective July 30, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-3). Emergency amendments permanently adopted effective October 27, 1993 (Supp. 93-4). Section recodified to R17-4-409 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-802 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-1). Amended by final

rulemaking at 10 A.A.R. 2829, effective August 7, 2004 (Supp. 04-2). Amended by final rulemaking at 13 A.A.R. 1127, effective May 5, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 395, effective March 8, 2008 (Supp. 08-1).

R17-4-509. Repealed

Historical Note

Adopted effective February 14, 1984 (Supp. 84-1). Former Section R17-4-56 renumbered without change as Section R17-4-509 (Supp. 87-2). Repealed effective December 17, 1993 (Supp. 93-4).

R17-4-510. Motorcycle noise level limits

- A. No person shall operate any motorcycle on the streets or highways of the state of Arizona at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limits. For the purpose of this Section, “dBA” shall mean “A” weighted decibel, a sound level measurement unit.

Model year of motorcycle	Speed limit of 35 m.p.h. or less	Speed limit of more than 35 m.p.h. and less than or equal to 45 m.p.h.	Speed limit of more than 45 m.p.h.
Before 1972	84 dBA	88 dBA	88 dBA
1972-1980	79 dBA	82 dBA	86 dBA
After 1980	76 dBA	80 dBA	83 dBA

- B. The noise limits established by this Section shall be based on measurements taken at a distance of 50 feet from the center of the lane of travel within the specified speed limit. Noise measurements can be made at distances other than 50 feet from the center of the lane of travel. In such cases, the measurement shall be corrected to what it would be at the standard distance of 50 feet, for comparison with the standard.
- C. For speed zones of 35 miles per hour or less, notwithstanding the provisions stated above, measurement shall not be made within 200 feet of any intersection controlled by an official traffic device or within 20 feet of the beginning or end of any grade in excess of plus or minus 1%. Measurements shall be made when it is reasonable to assume that the vehicle flow is at a constant rate of speed and measurement shall not be made under congested traffic conditions which require notice able acceleration or deceleration.

Historical Note

Adopted effective October 17, 1986 (Supp. 86-5). Former Section R17-4-76 renumbered without change as Section R17-4-510 (Supp. 87-2). Section recodified to R17-4-406 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section recodified from R17-4-705 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-511. Repealed

Historical Note

Adopted effective April 21, 1980 (Supp. 80-2). Former Section R17-4-62 renumbered without change as Section R17-4-511 (Supp. 87-2). Section repealed by final rulemaking at 7 A.A.R. 3831, effective August 10, 2001 (Supp. 01-3).

R17-4-512. Child-restraint Systems in Motor Vehicles

The Motor Vehicle Division incorporates 49 CFR 571.213, Federal Motor Vehicle Safety Standard number 213 of the October 1, 2003,

edition and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-0001, and is on file with the Division.

Historical Note

Former Rule, General Order 92. Former Section R17-4-37 renumbered without change as Section R17-4-512 (Supp. 87-2). Section recodified to R17-5-302 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). New Section R17-4-512 recodified from R17-4-704 at 7 A.A.R. 4157, effective September 7, 2001 (Supp. 01-3). Amended by final rulemaking at 14 A.A.R. 397, effective March 8, 2008 (Supp. 08-1).

R17-4-513. Emergency expired

Historical Note

Emergency rule adopted effective January 4, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1). Emergency expired. Emergency rule re-adopted effective May 2, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emergency expired.

R17-4-514. Emergency expired

Historical Note

Emergency rule adopted effective January 4, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1). Emergency expired. Emergency rule re-adopted effective April 25, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emergency expired.

R17-4-515. Reserved

R17-4-516. Reserved

R17-4-517. Reserved

R17-4-518. Reserved

R17-4-519. Reserved

R17-4-520. Recodified

Historical Note

Adopted as Section R17-4-301 and renumbered as Section R17-4-520 effective September 22, 1987 (Supp. 87-3). Section recodified to R17-4-502 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-521. Recodified

Historical Note

Adopted as Section R17-4-310 and renumbered as Section R17-4-521 effective September 22, 1987 (Supp. 87-3). Section recodified to R17-4-503 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-522. Recodified

Historical Note

Adopted as Section R17-4-320 and renumbered as Section R17-4-522 effective September 22, 1987 (Supp. 87-3). Amended effective April 12, 1994 (Supp. 94-2). Section recodified to R17-4-506 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

ARTICLE 6. SCHOOL BUS STANDARDS**R17-4-601. Reserved****R17-4-602. Reserved****R17-4-603. Reserved****R17-4-604. Reserved****R17-4-605. Reserved****R17-4-606. Repealed****Historical Note**

Adopted effective February 6, 1984 (Supp. 84-1). Former Section R17-4-507 renumbered without change as Section R17-4-606 (Supp. 87-2). Repealed by summary rulemaking with an interim effective date of March 8, 1996; filed in the Office of the Secretary of State February 16, 1996 (Supp. 96-1).

R17-4-607. Repealed**Historical Note**

Adopted effective August 24, 1982 (Supp. 82-4). Former Section R17-4-501 renumbered without change as Section R17-4-607 (Supp. 87-2). Emergency amendments adopted and filed August 24, 1990, effective September 27, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency amendments repealed, new emergency amendments adopted effective October 1, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency amendments re-repealed, new emergency amendments readopted effective February 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Emergency expired. Emergency amendments re-repealed, new emergency amendments re-adopted effective August 6, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency expired. Emergency amendments re-adopted with changes effective November 14, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency expired. Repealed by summary rulemaking with an interim effective date of March 8, 1996; filed in the Office of the Secretary of State February 16, 1996 (Supp. 96-1).

R17-4-608. Special educational vehicle standards**A. General requirements:**

1. School buses designed for transporting children with special transportation needs shall comply with standards applicable to school buses. Because of the use of special equipment on these buses, certain modifications and/or exceptions in these standards shall be made, particularly in the bus body.
2. These standards address modifications as they pertain to school buses with a gross vehicle weight of 10,000 pounds or more and standard seating arrangement that provides a capacity of 10 or more children prior to modification.
3. Any school bus that is used specifically for the transportation of children who are confined to a wheelchair and/or other mechanical restraining devices prohibiting their use of regular service entrance shall be equipped with a power lift.
4. The lift shall be located on the right side of the body, in no way attached to the exterior sides of the bus, not confined within the perimeter of the school bus body when not extended.

B. Special service entrance:

1. Bus bodies may have a special service entrance constructed in the body to accommodate a wheelchair lift for the loading and unloading of passengers.
2. The opening, to accommodate the special service entrance, shall be at any convenient point on the right (curb side) of the bus and far enough to the rear to prevent the door(s), when open, from obstructing the right front regular service door.
3. The opening may extend below the floor through the bottom of the body skirt. If such an opening is used, reinforcements shall be installed at the front and rear of the floor opening to support the floor and give the same strength as other floor openings.
4. The opening, with doors open, shall be of sufficient width and depth to allow the passage of wheelchairs. The minimum clear opening shall be thirty (30) inches in width.
5. A drip moulding shall be installed above the opening to effectively divert water from the entrance.
6. The entrance shall be of sufficient width and depth to accommodate various mechanical lifts and related accessories as well as the lifting platform.
7. Door posts and headers from the entrance shall be reinforced sufficiently to provide support and strength equivalent to the areas of the side of the bus not used for service doors.

C. Special service entrance doors:

1. A single door may be used if the width of the door opening does not exceed forty (40) inches.
2. Two doors shall be used if any single door opening exceeds forty (40) inches.
3. All doors shall open outwardly.
4. All doors shall have positive fastening devices to hold the doors in an open position.
5. All doors shall be weather sealed, and, on buses with double doors, they shall be so constructed that a flange on the forward door overlaps the edge of the rear door when closed. If optional power doors are installed, the design shall permit release of the doors for opening and closing by the attendant from the platform inside the bus.
6. When manually operated dual doors are provided, the rear door shall have at least a one-point fastening device to the header.
7. The forward-mounted door shall have at least three fastening devices. One shall be to the header, one to the floor line of the body, and the other shall be into the rear door. These locking devices shall afford maximum safety when the doors are in the closed position.
8. The door and hinge mechanism shall be of a strength that will provide for the same type of use as that of a standard entrance door.
9. Door materials, panels, and structural strength shall be equivalent to the conventional service and emergency doors. Color, rub rail extensions, lettering and other exterior features shall match adjacent sections of the body.
10. Each door shall have windows set in rubber compatible within 1 inch of the lower line of the adjacent sash.
11. Door(s) shall be equipped with a device that will actuate a green flashing signal located in the driver's compartment to warn when the door(s) is not securely closed with the ignition in the "on" position.
12. A switch shall be installed so that the lifting mechanism will not operate when the lift platform door(s) is closed.

D. Power lift:

1. The lifting mechanism shall be able to lift a minimum payload of 600 pounds.

2. When the platform is in the fully up position, it shall be located in position mechanically by means other than a support, or lug in the door.
 3. Controls shall be provided that enable the operator to activate the lift mechanism from either inside or outside the bus. There shall be a means of preventing the lift platform from falling due to a power failure while in operation.
 4. Power lifts shall be equipped so that they may be manually raised and lowered in the event of a power failure to the lift mechanism.
 5. Lift travel shall allow the lift platform to rest securely on the ground.
 6. All edges of the platform shall be designed to restrain the wheelchair and operator's feet from becoming entangled during the raising and lowering process.
 7. When elevator-type lifts are used which lower through the floor of the bus body, the platform shall be fitted on both sides and rear with full-width shields which extend to the floor line of the lift platform.
 8. A restraining device shall be affixed to the outer edge (curb end) of the platform that will prohibit the wheelchair from rolling off the platform when the lift is in any position other than fully extended to ground level.
 9. A self-adjusting, skid-resistant plate shall be installed on the outer edge of the platform to minimize the incline from the lift platform to the ground level. This plate, if so designed, may also suffice as the restraining device described in subsection (D)(8). The lift platform must be skid-resistant.
 10. Buses equipped with an electrical power lift shall be provided with an additional battery for operation of the lift mechanism. Design shall be such that the battery is charged through the charging system of the bus but cannot be discharged through the chassis electrical system.
 11. A circuit breaker or fuse shall be installed between the power source and lift motor if electrical power is used.
 12. The lift mechanism shall be equipped with adjustable limit switches and/or bypass valves to prevent excessive pressure from building in the hydraulic system when the platform reaches the full up or down position.
 13. A ramp device may be carried for use during emergency evacuation; however, it shall not be stored within the passenger compartment.
- E.** Fastening devices. Positive fastening devices shall be provided and attached to the floor or walls or both to ensure that occupied wheelchairs and/or any other occupied types of ambulatory devices can be securely fastened in position.
- F.** Restraining devices. Seat frames may be equipped with attachments and/or devices to which belts, restraining harnesses, and/or other devices may be attached.
- G.** Special light. Lights shall be placed inside the bus to sufficiently illuminate the lift area and activation shall be possible from the door area.
- H.** Aisles. All aisles leading to the emergency door(s) from the wheelchair area shall be of sufficient width (minimum thirty (30) inches) to permit passage of a maximum-size wheelchair.
- I.** Seating arrangements. Flexibility in seat spacing to accommodate special devices shall be permitted due to the constant changing of passenger requirements. All fixed seats shall be forward facing.
- J.** Glazing. Tinted safety glazing may be installed in all doors, windows, and windshield.
- K.** Heaters. An additional heater(s) may be installed in the rear portion of the bus (behind wheel wells).
- L.** Communications. A two-way radio communication system is recommended for special education buses.
- M.** Regular service entrance:
1. In Type C and D buses, there shall be three steps of equal height in the entrance well.
 2. An additional fold-out step may be provided which will place the step level no more than 6 inches from the ground.
- N.** Exhaust system. The exhaust system may be routed to the left of the right frame rail to allow for the installation of a lift mechanism that would travel through the floor on the right side of the vehicle.
- O.** Type A and B school buses used for special transportation. These vehicles shall meet the specifications of all the previous Sections. Exceptions:
1. In lieu of a power lift, a ramp device may be installed.
 2. If a ramp is used, it shall be of sufficient strength and rigidity to support wheelchair, occupant and attendant. It shall be equipped with a protective flange on each longitudinal side to keep the wheelchair on the ramp.
 3. The floor of the ramp shall be covered with nonskid material.
 4. A portable ramp shall not be carried in the passenger compartment.

Historical Note

Adopted effective August 18, 1983 (Supp. 83-4). Former Section R17-4-504 renumbered without change as Section R17-4-608 (Supp. 87-2).

R17-4-609. Minimum standards for Arizona school bus chassis

A. Definitions:

1. Type A: A "Type A" school bus is a conversion or body constructed upon a van-type compact truck or a front-section vehicle and has a gross weight rating of 10,000 pounds or less, designed for carrying more than 10 persons.
2. Type B: A "Type B" school bus is a conversion or body constructed and installed upon a van or front-section vehicle chassis and has a vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. Most of the engine is beneath and/or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.
3. Type C: A "Type C" school bus is a body installed upon a flat-back cowl chassis and has a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels.
4. Type D: A "Type D" school bus is a body installed upon a chassis, with the engine mounted in the front, midship, or rear, and has a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus, behind the rear wheels, or midship between front and rear axles.

B. Minimum standards for the bus chassis:

1. Air cleaner. The engine intake air cleaner shall be furnished and properly installed by the chassis manufacturer to meet engine specifications.
2. Axles. The front and rear axles or other type of front and rear suspension assemblies shall have a gross axle weight rating at the ground at least equal to that portion of the

- load as would be imposed by the chassis manufacturer's maximum gross weight rating.
3. Back-up alarm. The back-up alarm is optional but if installed shall conform to the following:
 - a. Alarm-signaling device shall be of electronic, solid state design and shall emit a readily audible sound at approximately 107 dB(a) measured at 4 feet, zero degrees axis.
 - b. Alarm-signaling device shall operate automatically when the gear shift lever is in "reverse" position and wired from the back-up lights.
 - c. Alarm-signaling device shall be located no farther than 3 feet forward of rear bumper and shall be reasonably protected from effects of water, ice, mud or dust.
 4. Brakes:
 - a. A braking system, including service brake and parking brake, shall be provided.
 - b. Air brakes are required on buses with a passenger capacity greater than 60.
 - c. Buses using air or vacuum in the operation of the brake system shall be equipped with a warning signal, readily audible and visible to the driver, which will give a continuous warning when the air pressure available in the system for braking is 60 psi (pounds per square inch) or less, or the vacuum in the system available for braking is 8 inches of mercury or less. An illuminated gauge which will indicate to the driver the air pressure in pounds per square inch or the inches of mercury vacuum available for the operation of the brake shall be provided. An additional air gauge may be specified to indicate air pressure in the emergency tank.
 - i. Vacuum-assist brake systems shall have a reservoir used exclusively for brakes which shall be adequate to ensure loss in vacuum at full-stroke application of not more than 30% with the engine not running. The brake system on gas-powered engines shall include suitable and convenient connections for the installation of a separate vacuum reservoir.
 - ii. Any brake system dry reservoir shall be so safeguarded by a check valve or equivalent device that, in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored dry air or vacuum shall not be depleted by the leakage or failure.
 - iii. Automatic or remotely operated moisture ejectors are highly recommended for installation in the bottom of the wet tank.
 - d. Buses using a hydraulic assist-booster in the operation of the brake system shall be equipped with a warning signal, readily audible and visible to the driver, which will provide continuous warning in the event of a loss of fluid flow from the primary source.
 - e. The brake lines and booster-assist lines shall be protected from excessive heat and vibration and be so installed as to prevent chafing.
 - f. All brake systems shall be designed to permit visual inspection of brake lining wear without removal of any chassis components.

Type A and B buses are exempt from this provision.
 5. Bumper -- front:
 - a. The front bumper shall be furnished by the chassis manufacturer as part of the chassis.
 - b. The front bumper shall extend beyond the forward-most part of the body, grill, hood, and fenders and shall extend to the outer edges of fenders at the bumper top line.
 - c. The front bumper, except breakaway bumper ends, shall be of sufficient strength to permit pushing a vehicle of equal gross weight without permanent distortion to bumper, chassis, or body.

Type D buses front bumper shall be furnished by body manufacturer.
 6. Certification. The chassis manufacturer shall certify to the Arizona Department of Transportation that their product meets minimum standards on items not covered by certification issued under requirements of the National Traffic and Motor Vehicle Safety Act.
 7. Clutch. The clutch torque capacity shall be equal to or greater than the engine torque output.
 8. Color:
 - a. The chassis, including wheels and front bumper, shall be black. Hood, cowl, and fenders shall be National School Bus Yellow.
 - b. The hood may be painted low-luster yellow.
 9. Cooling system. The cooling system shall provide adequate cooling of the engine in any ambient temperature range up to at least 120 degrees F.
 10. Drive shaft. The drive shaft shall be protected by a metal guard or guards around its circumference to reduce the possibility of it whipping through the floor or dropping to the ground if broken.
 11. Electrical system:
 - a. Battery:
 - i. The storage battery shall have a minimum cold cranking capacity rating equal to the cranking current required for 30 seconds at 0 degrees Fahrenheit (17.8C) and a minimum reserve capacity rating of 120 minutes at 25 amp. Higher capacities may be specified dependent upon optional equipment and local environmental conditions.
 - ii. When a battery is to be mounted by the body manufacturer on a sliding tray as opposed to the standard installation provided by the chassis manufacturer, the battery shall be temporarily mounted on the chassis frame by the chassis manufacturer. In this case, the final location of the battery and the appropriate cable lengths shall be according to the School Bus Design Objectives, May 1980, a copy of which is on file with the Office of the Secretary of State.
 - iii. Buses equipped with an electrical power lift shall be provided with an additional battery for operation of the lift mechanism. The design shall be such that the battery is charged through the charging system of the bus but cannot be discharged through the chassis electrical system.
 - b. Generator or alternator:
 - i. Type A bus shall have a minimum 60 ampere per hour alternator.
 - ii. Type B bus shall have a minimum 80 ampere per hour alternator.
 - iii. Type A, B, C and D buses equipped with an electrical power lift shall have a minimum 100 ampere per hour alternator.
 - iv. Type C and D buses shall have a generator or alternator with a minimum rating of at least 80

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- amperes in accordance with Society of Automotive Engineers Standard J545b, a copy of which is on file with the Office of the Secretary of State, with minimum charging of 30 amperes at manufacturer's recommended engine idle speed (12-volt system) and shall be ventilated and voltage-controlled and, if necessary, current controlled.
- v. A direct-drive generator or alternator is permissible in lieu of belt drive. Belt drive shall be capable of handling the rated capacity of the generator or alternator with no detrimental effect on other driven components.
 - vi. Refer to School Bus Design Objectives, May 1980, a copy of which is on file with the Office of the Secretary of State, for estimating required generator or alternator capacity.
- c. Wiring:
- i. General. All wiring shall conform to the current, applicable, recommended practices of the Society of Automotive Engineers Standard J555a, a copy of which is on file with the Office of the Secretary of State.
 - ii. All wiring shall use a standard color coding and each chassis shall be delivered with a wiring diagram that coincides with the wiring of the chassis.
 - iii. The chassis manufacturer shall install a readily accessible terminal strip or plug on the body side of the cowl, or at an accessible location in the engine compartment of vehicles designed without a cowl, that shall contain the following terminals for the body connections:
 - (1) Main 100 amp body circuit.
 - (2) Tail lamps.
 - (3) Right turn signal.
 - (4) Left turn signal.
 - (5) Stop lamps.
 - (6) Back up lamps.
 - (7) Instrument panel lights (rheostat controlled by headlamp switch).
12. Exhaust system:
- a. The exhaust pipe, muffler, and tailpipe shall be outside of the bus body compartment and attached to the chassis.
 - b. The tailpipe shall be constructed of a corrosion-resistant tubing material at least equal in strength and durability to 16-gauge steel tubing.
 - c. The tailpipe shall:
 - i. Extend beyond rear axle and shall either extend at least 5 inches beyond chassis frame and be mounted outside of the chassis frame rail at the end point or
 - ii. Extend to, but not beyond the body limits on either side in the rear half of the bus, and shall terminate from the chassis centerline as follows:
 - (1) Type A buses -- Manufacturer's standard.
 - (2) Type B buses -- 42.5 inches.
 - (3) Type C and D buses -- 48.5 inches.

The exhaust system on vehicles designed for the transportation of special education pupils shall be routed to the left of the right frame rail to allow for the installation of a lift on the right side of the vehicle.
 - d. The exhaust system on gas-powered chassis shall be properly insulated from fuel tank connections by a securely attached metal shield at any point where it is 12 inches or less from the tank or tank connections.
 - e. The muffler shall be constructed of corrosion-resistant material.
13. Fenders -- front -- Type C buses:
- a. Total spread of outer edges of front fenders, measured at the fender line, shall exceed total spread of front tires when the front wheels are in the straight-ahead position.
 - b. Front fenders shall be properly braced and free from any body attachments. Type A, B, and D buses are exempt from this provision.
14. Frame:
- a. The frame or equivalent shall be of such design and strength characteristics as to correspond at least to standard practice for trucks of the same general load characteristics which are used for highway service.
 - b. Any secondary manufacturer that modifies the original chassis frame shall guarantee the performance of workmanship and materials resulting from such modification.
 - c. Any frame modification shall not be for the purpose of extending the wheelbase.
 - d. Holes in top or bottom flanges of frame side rail shall not be permitted except as provided in original chassis frame. There shall be no welding to frame side rails except by chassis or body manufacturer.
 - e. Frame lengths shall be provided in accordance with School Bus Design Objectives, May 1980, a copy of which is on file with the Office of the Secretary of State.
15. Fuel tank:
- a. Fuel tank or tanks of minimum 30-gallon capacity with a 25-gallon actual draw shall be provided by the chassis manufacturer. It/they shall be fitted and vented to the outside of the body, the location of which shall be so that accidental fuel spillage will not drip or drain on any part of the exhaust system.
Type A and B buses may have fuel tank of 20-gallon minimum capacity.
 - b. No portion of the fuel system which is located to the rear of the engine compartment, except the filler tube, shall extend above the top of the chassis frame rail. Fuel lines shall be mounted to obtain maximum possible protection from the chassis frame.
 - c. A fuel filter with replaceable element shall be installed between the fuel tank and engine.
 - d. Fuel tank installation shall be in accordance with School Bus Design Objectives, May 1980, a copy of which is on file with the Office of the Secretary of State.
 - e. If a tank size other than 30-gallon is supplied, location of front of tank and filler spout must remain as specified by School Bus Design Objectives, May 1980, a copy of which is on file with the Office of the Secretary of State.
 - f. Fuel tanks may be supplied in locations other than the right chassis frame rail, subject to options available from the manufacturer as specified by School Bus Design Objectives, May 1980, a copy of which is on file with the Office of the Secretary of State.
 - g. Fuel conversion systems shall comply with Department rule.

16. Governor:
 - a. An engine governor is permissible. However, when it is desired to limit road speed, a road-speed governor shall be installed.
 - b. When the engine is remotely located from the driver, a governor shall be installed to limit engine speed to maximum revolutions per minute recommended by the engine manufacturer, or a tachometer shall be installed so that engine speed may be known to the driver.
17. Heating system -- provision for. The chassis engine shall have plugged openings for the purpose of supplying hot water for the bus heating system. The opening shall be capable of supplying water having a temperature of at least 170 degrees F. at a flow rate of 50 pounds per minute at the return end of 30 feet of 1-inch inside diameter, automotive hot water heater hose, in accordance with the School Bus Manufacturers Institute Standard No. 001, a copy of which is on file with the Office of the Secretary of State.
18. Horn. The bus shall be equipped with a horn or horns of standard make, each horn capable of producing complex sound in bands of audio frequencies between approximately 250 and 2,000 cycles per second and tested per Society of Automotive Engineers Standard J377, a copy of which is on file with the Office of the Secretary of State.
19. Instruments and instrument panel:
 - a. The chassis shall be equipped with the following instruments and gauges. Lights in lieu of gauges are not permitted except as noted:
 - i. Speedometer.
 - ii. Odometer which will give accrued mileage including tenths of miles.
 - iii. Voltmeter. Ammeter with graduated charge and discharge with ammeter and its wiring compatible with generating capacities permitted in lieu of voltmeter.
 - iv. Oil pressure gauge.
 - v. Water temperature gauge.
 - vi. Fuel gauge.
 - vii. Upper beam headlight indicator.
 - viii. Brake indicator gauge (vacuum or air). Light indicator in lieu of gauge permitted on vehicle equipped with hydraulic-over-hydraulic brake system.
 - ix. Turn signal indicator.
 - b. All instruments shall be easily accessible for maintenance and repair.
 - c. The above instruments and gauges shall be mounted on the instrument panel in such a manner that each is clearly visible to the driver while in the normal seated position in accordance with School Bus Design Objectives, May 1980, a copy of which is on file with the Office of the Secretary of State.
 - d. The instrument panel shall have lamps of sufficient candlepower to illuminate all instruments and gauges and the shift selector indicator for an automatic transmission, if so equipped.
20. Oil filter. An oil filter of replaceable element or cartridge type shall be provided and shall be connected by flexible oil lines if it is not built-in or engine mounted design. The oil filter shall have a minimum capacity of approximately 1 quart.
21. Openings. All openings in the floorboard or firewall between chassis and passenger-carrying compartment, such as for gearshift and parking brake lever, shall be sealed.
22. Passenger load:
 - a. Actual gross vehicle weight (GVW) is the sum of the chassis weight, plus the body weight, plus the driver's weight, plus total seated pupil weight.
 - i. For purposes of calculation, the driver's weight is 150 pounds.
 - ii. For the purpose of calculation, the pupil weight is 120 pounds per pupil.
 - b. Actual gross vehicle weight (GVW) shall not exceed the chassis manufacturer's gross vehicle weight rating (GVWR) for the chassis.
23. Power and gradeability. Gross vehicle weight (GVW) shall not exceed 185 pounds per net published horsepower of the engine at the manufacturer's recommended maximum number of revolutions per minute.
24. Shock absorbers:
 - a. The bus shall be equipped with front and rear double-acting shock absorbers compatible with the manufacturer's rated axle capacity at each wheel location.
 - b. Shock absorbers are optional on tandem rear axles.
25. Splash guards:
 - a. The bus shall be equipped with rear fender splash guards which may be constructed of flexible rubberized material.
 - b. The splash guards shall be wide enough to cover the tread width and shall be installed close enough to the tread surface as to control side-throw of the bulk of thrown road surface material and shall extend to within 8 inches of ground level.
26. Springs:
 - a. The capacity of springs or suspension assemblies shall be commensurate with chassis manufacturer's gross vehicle weight rating.
 - b. If rear springs are used, they shall be of progressive type.
27. Steering gear:
 - a. Steering gear shall be approved by the chassis manufacturer and designed to assure safe and accurate performance when the vehicle is operated with maximum load and at maximum speed.
 - b. The steering mechanism shall provide for easy adjustment for lost motion.
 - c. No changes shall be made in steering apparatus which are not approved by the chassis manufacturer.
 - d. There shall be clearance of at least 2 inches between the steering wheel and cowl instrument panel, windshield, or any other surface.
 - e. Power steering is required for all school buses.
 - f. The steering system shall be designed to provide means for lubrication of all wear-points.
28. Tires and rims:
 - a. Tires and rims of proper size and tires with load rating commensurate with chassis manufacturer's gross vehicle weight rating shall be provided.
 - b. Dual rear tires shall be provided on Type B buses, Type C buses and Type D buses.
 - c. All tires on a given axle shall be of the same size and ply rating and shall not differ more than one size between front and rear axle and shall comply with manufacturer's gross vehicle weight rating.
 - d. If a tire carrier is required, it shall be suitably mounted in an accessible location outside the passenger compartment.

Type A and B buses are exempt from this provision.

29. Transmission:
 - a. When an automatic or semi-automatic transmission is used, it shall provide for not less than three forward and one reverse speeds.
 - b. When a manual transmission is used, second gear and higher shall be synchronized except when incompatible with engine power. A minimum of three forward speeds and one reverse must be provided.
30. Turning radius:
 - a. A chassis with a wheel base of 264 inches or less shall have a right and left turning radius of not more than 42 1/2 feet, curb-to-curb measurement.
 - b. A chassis with a wheelbase of 265 inches or more shall have a right and left turning radius of not more than 44 1/2 feet, curb to curb measurement.
31. Undercoating. The chassis manufacturer shall coat the undersides of front fenders, unless fenders are constructed of a non-corrosion material, with a compound to prevent rust which meets or exceeds federal specifications TT-C-520B, a copy of which is on file with the Office of the Secretary of State, using modified test procedures as defined under "Undercoating" of body standards.
32. Weight distribution. The weight distribution of a fully-loaded bus on a level surface shall be such as to not exceed the manufacturer's front Gross Axle Weight Rating and rear Gross Axle Weight Rating.

Historical Note

Adopted effective March 7, 1983, to apply to chassis and bodies placed in production after May 1, 1983 (Supp. 83-2).

2). Former Section R17-4-502 renumbered without change as Section R17-4-609 (Supp. 87-2).

R17-4-610. Minimum standards for Arizona school bus body

The minimum standards for the school bus body are as follows:

1. Aisle:
 - a. Minimum clearance of all aisles shall be 12 inches.
 - b. The seat backs shall be slanted away from the aisle sufficiently to give an aisle clearance of 15 inches at the tops of seat backs.
2. Battery:
 - a. The battery is to be furnished by the chassis manufacturer.
 - b. When the battery is mounted as described in Electrical System of the Chassis Standards, the body manufacturer shall securely attach the battery on a slide-out or swing-out tray in a closed, vented compartment in the body skirt, where the battery may be exposed to the outside for convenient servicing. The battery compartment door or cover shall be secured by an adequate and conveniently operated latch or other type fastener. Hinges, if used, shall be at the top or front edge of the door.
 - c. The bus body may be lettered or stenciled to show battery location. Letters shall be unshaded black not more than 2 inches in height.
3. Book racks. Book or parcel racks are permissible.
4. Bumper (front). See Chassis rule.
5. Bumper (rear):
 - a. The rear bumper shall be of pressed steel channel or equivalent material, at least 3/16 inch thick and 8 inches wide (high), and of sufficient strength to per-

mit pushing by another vehicle without permanent distortion.

Type A buses are exempt from this provision.

- b. It shall be wrapped around the back corners of the bus. It shall extend forward at least 12 inches, measured from rear-most point of the body at floor line.
- Type A buses are exempt from this provision.
- c. The bumper shall be attached to the chassis frame in such manner that it may be easily removed, and braced to develop full strength of the bumper section from rear or side impact, and shall be so attached as to prevent hitching of riders.
- d. The bumper shall extend at least 1 inch beyond the rear-most part of the body surface, measured at the floor line.

Type A buses are exempt from this provision.

6. Ceiling. See Insulation and Interior of this rule.

7. Chains. See Wheelhousing of this rule.

8. Color:

- a. The school bus body shall be painted a uniform National School Bus Yellow. Specifications for the Standard Color, with light and dark tolerances (upper and lower reflectances) are shown below in tabular form:

C.I.E. Chromaticity Coordinates		Reflectance Y(%)	Reflectance Tolerances	
X	Y		Upper	Lower
.5089	.4408	40.14%	41.77%	38.45%

- b. The body exterior paint trim, bumpers, lamp hoods, if any, and lettering shall be black. As an alternate, the rear bumper may be covered with retro-reflective material.

9. Construction:

- a. Construction shall be of prime commercial quality steel or other material or metal with strength at least equivalent to all-steel as certified by the bus body manufacturer.
- b. Construction shall provide a dustproof and watertight unit.

10. Defrosters:

- a. Defrosting and defogging equipment shall direct a sufficient flow of heated air onto the windshield, the window to the left of the driver and the glass in the viewing area directly to the right of the driver to reduce the amount of frost, fog, and snow.
- b. The defroster unit shall have a separate blower motor in addition to the heater motors.

Type A and B buses are exempt from this provision.

- c. The defrosting system shall conform to the Society of Automotive Engineers Standards J381 and J382, published 1979, a copy of which is on file with the Office of the Secretary of State.
- d. The defroster and defogging system shall be capable of furnishing heated, outside, ambient air except that the part of the system furnishing additional air to the windshield, entrance door, and step-well may be of the recirculating air type.
- e. Auxiliary fans are not to be considered as a defrosting and defogging system.
- f. Portable heaters may not be used.

11. Auxiliary fans -- if used:

- a. Auxiliary fans shall be placed in locations where they can be adjusted to provide maximum effectiveness.
 - b. These fans shall be a nominal six-inch diameter with the blades covered by a protective cage.
 - c. Each of these fans shall be controlled by a separate switch.
12. Doors:
- a. Service door:
 - i. The service door shall be under control of the driver and designed to afford easy release and prevent accidental opening. When a hand lever is used, no part shall come together to shear or crush fingers.
 - ii. The service door shall be located on the right side of the bus opposite the driver and within direct view of the driver.
 - iii. The service door shall have a minimum horizontal opening of 24 inches and a minimum vertical opening of 68 inches.
Type A buses are exempt from this provision.
 - iv. The service door shall be of split-type, sedan-type, or jack-knife type. (Split-type door includes any sectioned door which divides and opens inward or outward.) If one section of a split-type door opens inward and the other opens outward, the front section shall open outward.
 - v. Lower as well as upper panels shall be of approved glazing. The bottom of the lower glass panel shall not be more than 35 inches from the ground when the bus is unloaded. The top of the upper glass panel shall not be more than 6 inches from the top of the door.
Type A buses are exempt from this provision.
 - vi. Vertical closing edges shall be equipped with flexible material to protect children's fingers.
Type A buses are exempt from this provision.
 - vii. There shall be no door to the left of the driver.
Type A buses are exempt from this provision.
 - viii. All doors shall be equipped with a header pad at the top edge of each door opening. The pad shall be at least 3 inches wide and 1 inch thick, extending the full width of the door opening.
13. Emergency doors:
- a. The emergency door shall be hinged on the right side if in the rear end of the bus and on the front if on the left side of the bus. It shall open outward and shall be labeled inside to indicate how it is to be opened.
Type A buses are exempt from this provision.
 - b. If required, the side emergency door and push-out rear window shall meet the requirements of federal Motor Vehicle Safety Standard No. 217, published July 1979, a copy of which is on file with the Office of the Secretary of State.
 - c. The upper portion of the emergency door shall be equipped with approved safety glazing, the exposed area not less than 350 square inches. The emergency door in the rear of the bus shall also contain a lower window panel of approved safety glazing.
 - d. There shall be no steps leading to the emergency door.
 - e. The words "EMERGENCY DOOR," both inside and outside in letters at least 2 inches high, shall be placed at the top of or directly above the emergency door or on the door in the metal panel above the top glass.
 - f. The emergency door shall be equipped with a header pad at the top edge of the door opening. The pad shall be at least 3 inches wide and 1 inch thick, extending the full width of the door opening.
 - g. All emergency exits shall be equipped with a latch (or latches) on the inside, connected with an electrical buzzer audible in the driver's compartment which will actuate when the latch is being released.
14. Fire extinguishers:
- a. The bus shall be equipped with at least one pressurized, dry, chemical-type fire extinguisher, mounted in a bracket, readily accessible to the driver. A pressure gauge shall be mounted on the extinguisher to be readable from its mounted position.
 - b. The fire extinguisher shall be of a type rated not less than 2A-10-BC by the Underwriters Laboratories, Inc. The operating mechanism shall be sealed with a type of seal which will not interfere with the use of the fire extinguisher.
15. First-aid kit:
- a. The bus shall have a removable, moisture and dust-proof first-aid kit secured and readily accessible to the driver. This place shall be marked to indicate its location.
 - b. The number of units and contents shall, as a minimum, include the following items:
 - 16 Unit First-Aid Kit
 - 2 Units -- 1" x 3" Plastic Band-Aids
 - 1 Unit -- 2" Bandage Compress
 - 1 Unit -- 3" Bandage Compress
 - 4 Units -- 4" Bandage Compress
 - 4 Units -- Triangular Bandage
 - 2 Units -- Instant Cold Pack
 - 1 Unit -- Wire Splint
 - 1 Unit -- Large Gauge Compress 24" x 72"
16. Floor:
- a. The floor in the underseat area, including tops of wheelhousing, driver's compartment, and toeboard, shall be covered with fire-resistant rubber floor covering or equivalent, having a minimum overall thickness of .125 inches.
 - b. Floor covering in the aisle shall be one continuous strip of aisle-type fire-resistant rubber or equivalent, wear-resistant, and ribbed. Minimum overall thickness shall be .187 inches measured from tops of the ribs.
 - c. The floor covering must be permanently bonded to the floor and must not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof and shall be of a type recommended by the manufacturer of floor covering material. All seams must be sealed with waterproof sealer and covered with metal strips.
17. Heaters:
- a. Heaters shall be of hot-water type.
 - b. If only one heater is used, it shall be a fresh-air or combination fresh-air and recirculating type.
 - c. If more than one heater is used, additional heaters may be of recirculating air type.

- d. The heating system shall be capable of maintaining throughout the bus a temperature of not less than 40 degrees Fahrenheit at the average minimum January temperature as established by the U.S. Department of Commerce, National Weather Service, for the area in which the vehicle is to be operated.
 - e. All heaters installed by body manufacturers shall bear a name plate which shall indicate the heater rating in accordance with School Bus Manufacturers Institute Standard No. 001, a copy of which is on file with the Office of the Secretary of State, with the plate to be affixed by the heater manufacturer, which shall constitute certification that the heater performance is as shown on the plate.
 - f. Heater hoses shall be adequately supported to guard against excessive wear due to vibration. The hoses shall not dangle or rub against the chassis or sharp edges and shall not interfere with or restrict the operation of any engine function. Heater hose shall conform to Society of Automotive Engineers Standard J20e, published 1979, a copy of which is on file with the Office of the Secretary of State. Heater lines on the interior of the bus shall be shielded to prevent scalding of the driver or passengers.
 - g. Each hot water heater system shall include a shutoff valve installed in the pressure and return lines at the engine.
- Type A buses are exempt from this provision.
18. Identification:
- a. The body shall bear the words "SCHOOL BUS" in black letters at least 8 inches high on both the front and rear of the body or on signs attached thereto. Lettering shall be placed as high as possible without impairment of its visibility. Lettering shall conform to the Series B alphabet of the Federal Highway Administration.
 - b. Only signs and lettering approved by state law or regulation shall appear on the sides or rear of the bus.
 - c. Each school-owned bus shall bear the name of the school and bus number on each side in black unshaded letters, 5 inches high. Each privately-owned bus may bear the operators name in lieu of the name of the school.
 - d. Buses operated under contract shall bear the name of the owner followed by the word "OWNER" in letters 2 inches high in accordance with Arizona Corporation Commission regulations.
 - e. Buses used for transporting handicapped children may display a standard wheelchair emblem on the lower half of the rear emergency door. Such emblems shall not exceed 12 inches in size and the wheelchair emblem may be reflectorized.
 - f. Decals in lieu of required painted lettering are permissible.
19. Inside height. Inside body height shall be nominal 72 inches or more, measured metal to metal, at any point on the longitudinal center line from front vertical bow to rear vertical bow.
- Type A and B buses are exempt from this provision.
20. Insulation. Ceiling and walls shall be thermally insulated with a fire-resistant material of, or equivalent to, butt-type fiberglass to deaden sound and reduce vibration to a minimum.
21. Interior. The interior of the bus shall be free of all unnecessary projections likely to cause injury. This standard requires inner lining on ceilings and walls. If the ceiling is constructed with lapped joints, the forward panel shall be lapped by the rear panel and exposed edges shall be beaded, hemmed, flanged, or otherwise treated to minimize sharp edges.
22. Lamps and signals:
- a. All lamps on the exterior of the vehicle are covered by federal Motor Vehicle Safety Standard No. 108, published March 1980, a copy of which is on file with the Office of the Secretary of State.
 - b. Interior lamps: Interior lamps shall be provided which adequately illuminate the aisle and step-well.
 - c. School bus alternately flashing signal lamps:
 - i. Definition: School bus red and yellow signal lamps are alternately flashing lamps mounted horizontally, both front and rear, intended to identify a vehicle as a school bus and to inform other users of the highway that such vehicle is stopped or about to stop on the highway to take on or discharge school children.
 - ii. The bus shall be equipped with two red lamps at the rear of the vehicle and two red lamps at the front of the vehicle.
 - iii. In addition to four red lamps described in subsection (22)(c)(ii), four amber lamps may be installed as follows: one amber lamp located near each red signal lamp, at same level, but closer to the vertical centerline of the bus; the system of red and amber signal lamps shall be wired so that amber lamps are energized manually and the red lamps are automatically energized (with amber lamps being automatically de-energized) when the bus entrance door is opened.
 - iv. The area around the lens of each alternately flashing signal lamp, and extending outward approximately 3 inches, shall be painted black. In installations where there is no flat vertical portion of body immediately surrounding the lamp, a circular or square band of black, approximately 3 inches wide, immediately below and to both sides of lens, shall be painted on the body or roof area against which the signal lamp is seen (from distance of 500 feet along axis of vehicle).
 - v. All flashers for alternately flashing red and amber signal lamps shall be enclosed in the body in a readily accessible location.
 - d. Turn signal and stop lamps:
 - i. The bus body shall be equipped with rear turn signal lamps which are at least 7 inches in diameter. These signals must be connected to the chassis hazard warning switch to cause simultaneous flashing of turn signal lamps when needed as a vehicular traffic hazard warning. Turn signal lamps are to be placed as wide apart as practical and their centerline shall be approximately 8 inches below the rear window.
Type A bus lamps must be at least 21 square inches in lens area.
 - ii. Class A turn signals are required on the front of the bus.
Type A and B buses are exempt from this provision.

- iii. Turn signals visible from the sides of the bus shall be provided. This requirement may be fulfilled by one or both of the following:
 - (1) Double-faced, fender-mounted turn signals.
 - (2) Body-mounted turn signals located on each side of the forward half of the bus.
 - Type A and B buses are exempt from this provision.
 - iv. Just inside the rear turn signal, there shall be installed at the same elevation two seven-inch diameter stop lamps.
 - e. Backup lamps: The bus shall be equipped with at least one backup lamp.
 - f. All buses equipped with a monitor to show operation of the front and rear lamps of the school bus shall have the monitor mounted in full view of the driver. If the full circuit current passes through the monitor, each circuit shall be protected by a fuse or circuit breaker against any short circuit or intermittent shorts.
 - g. White flashing strobe light: A white flashing strobe light, when installed, is intended to increase the visibility of the school bus. It shall have a single clear lens emitting light 360 degrees around its vertical axis. It shall be located on the longitudinal centerline of the bus roof approximately 1/3 to 1/2 of the distance forward from the rear of the bus. It shall be controlled by a manual switch located in the instrument panel to the left of the driver. A pilot light lighted shall indicate to the driver that the light is turned on.
- 23. Warning device. Each school bus shall contain at least three reflectorized triangle road warning devices secured and readily accessible to the driver.
- 24. Metal treatment:
 - a. All metal used in construction of the bus body shall be zinc, aluminum or aluminum-coated or treated by equivalent process before the bus is constructed. Included are such items as structural members, inside and outside panels, door panels and floor sills; excluded are such items as door handles, interior decorative parts, and other interior plated parts.
 - b. All metal parts that will be painted shall be (in addition to the above requirements) chemically cleaned, etched, zinc-phosphate-coated, and zinc-chromate or epoxy-primed or conditioned by equivalent process.
 - c. In providing for these requirements, particular attention shall be given lapped surfaces, welded connections of structural members, cut edges, punched- or drilled-hole areas in sheet metal, closed or box sections, unvented or undrained areas, and surfaces subjected to abrasion during vehicle operation.
- 25. Mirrors:
 - a. Interior mirror: Interior mirror shall be either laminated glass or glass bonded to a backing which retains the glass in the event of breakage. The mirror shall be a minimum of 6" x 30" with rounded corners and protected edges.
 - Type A and B buses shall have an interior mirror with at least 50 square inches of surface area.
 - b. Exterior mirrors: Each bus shall have a minimum of one exterior left side and one exterior right side rear mirror with a minimum of 50 square inches of flat mirror glass. Each bus shall have exterior right and left convex mirrors, each with a minimum of 35 square inches, to provide localized vision on both sides of the bus.
 - c. Cross-over vision mirror: When a rod 30 inches long is placed upright on the ground at any point along a traverse line 1 foot forward of the forward-most point of a school bus and extending the width of the bus, at least 7 1/2 inches of the length of the rod shall be visible to the driver, either by direct view or by means of an indirect visibility system. The cross-over vision mirror shall be a minimum of 7 inches in diameter.
- 26. Mounting. The chassis frame shall support the rear body cross member. The bus body shall be attached to the chassis frame at each main floor sill, except where chassis components interfere, in such manner as to prevent shifting or separation of body from chassis under severe operating conditions.
- 27. Overall length. Overall length of bus shall not exceed 40 feet.
- 28. Overall width. Overall width of bus shall not exceed 96 inches excluding accessories.
- 29. Rub rails:
 - a. There shall be one rub rail located on each side of the bus approximately at seat level which shall extend from the rear side of the entrance door completely around the bus body (except for emergency door) to the point of curvature near the outside cowl on the left side.
 - b. There shall be one rub rail located approximately at the floor line which shall cover the same longitudinal area as the upper rub rail, except at the wheel-housing, and shall extend only to radii of right and left rear corners.
 - c. Both rub rails shall be attached at each body post and all other upright structural members.
 - d. Both rub rails shall be 4 inches or more in width, shall be of 16-gauge steel or suitable material of equivalent strength, and shall be constructed in corrugated or ribbed fashion.
 - e. Both rub rails shall be applied outside the body or outside the body posts. Pressed-in or snap-on rub rails do not satisfy this requirement.
 - On Type A and B buses using chassis manufacturer's body, or Type C and D buses using rear luggage or engine compartment, rub rails need not extend around rear corners.
- 30. Sanders. Where specified sanders shall:
 - a. Be of hopper cartridge-valve type.
 - b. Have a metal hopper with all interior surfaces treated to prevent condensation of moisture.
 - c. Be of at least 100-pound (grit) capacity.
 - d. Have a cover on the filler opening of the hopper, which screws into place, sealing the unit airtight.
 - e. Have discharge tubes extending to the front of each rear wheel under the fender.
 - f. Have no-clogging discharge tubes with slush-proof, non-freezing rubber nozzles.
 - g. Be operated by an electric switch with a telltale light mounted on the instrument panel.
 - h. Be exclusively driver controlled.
 - i. Have a gauge to indicate that hoppers need refilling when they are down to 1/4 full.
- 31. Seat belt for driver. A seat belt for the driver shall be provided. The belt shall be equipped with a retractor on each

- side of sufficient quality and strength to keep it retracted and off the floor when not in use.
32. Seats and crash barriers:
 - a. All seats shall have a minimum depth of 15 inches.
 - b. In determining the seating capacity of the bus, allowable average rump width shall be:
 - i. 13 inches where 3-3 seating plan is used.
 - ii. 15 inches where 3-2 seating plan is used. (13 inches may be used in 3-2 seating plan when body width does not permit 3-3 seating.)
 - c. Seats, seat back cushions and crash barriers shall be covered with a material having 42-ounce finished weight, 54 inches width, and finished vinyl coating of 1.06 broken twill, or other material with equal tensile strength, tear strength, seam strength, adhesion strength, resistance to abrasion, resistance to cold, and flex separation.
 - d. The driver's seat shall have a vertical adjustment and shall have fore-and-aft adjustment of not less than 4 inches without use of tools for either adjustment.

Type A buses do not require vertical adjustment.
 33. Steering wheel. See Chassis rule.
 34. Steps:
 - a. The service door entrance may be equipped with two-step or three-step step-well. Risers in each case shall be approximately equal. When a plywood floor is used on steel, the differential may be increased by the thickness of plywood used.
 - b. When two-step step-well is specified, the first step at the service door shall not be less than 12 inches and not more than 16 inches from the ground, based on standard chassis specifications.
 - c. When a three-step step-well is specified, the first step at the service door shall be approximately 10 to 14 inches from the ground when the bus is empty, based on standard chassis specifications.
 - d. Steps shall be enclosed to prevent accumulation of ice and snow.
 - e. Steps shall not protrude beyond the side body line.
 - f. A grab handle not less than 10 inches in length shall be provided in an unobstructed location inside the doorway.

Type A and B vehicles are exempt from this provision. Steps (if any) on Type A and B vehicles not manufactured originally as school buses may be manufacturer's standard.
 35. Step treads:
 - a. All steps, including floor line platform area, shall be covered with 3/16 inch rubber floor covering or other material equal in wear resistance and abrasion resistance to top grade rubber.
 - b. The metal back of the tread, minimum 24-gauge cold rolled steel, shall be permanently bonded to ribbed rubber. The grooved design shall be such that grooves run at 90 degree angle to the long dimension of the step tread.
 - c. Three-sixteenth-inch ribbed tread shall have a 1 1/2 inch white nosing as integral piece without any joint.
 - d. The rubber portion of step treads shall have the following characteristics:
 - i. Special compounding for good abrasion resistance and high coefficient of friction.
 - ii. Flexibility so that it can be bent around a 1/2 inch mandrel both at 130 degrees F and 20 degrees F without breaking, cracking, or crazing.
 - iii. Show a durometer hardness 80 to 95.
 36. Stirrup steps. There shall be at least one folding stirrup step or recessed foothold and suitably located handles on each side of the front of the body for easy accessibility for cleaning the windshield and lamps except when windshield and lamps are easily accessible from the ground. This standard does not apply to vehicles not originally manufactured as school buses. A step, in lieu of the stirrup steps, is permitted in or on the front bumper.
 37. Stop signal arm:
 - a. A stop signal arm shall be installed on the left side of the bus body and may be operated manually or by vacuum, electric or air. Operation shall be such that the arm extends approximately 90 degrees from the bus body.
 - b. The signal arm shall be an 18-inch reflectorized octagon, with the word "STOP" printed on both sides in white letters not less than 5 inches high on a red background.
 - c. Flashing lamps in stop arm are optional, but if used, shall meet the applicable requirements of Society of Automotive Engineers J1133a, published 1979, a copy of which is on file with the Office of the Secretary of State. Flashing lamps in stop arm shall be connected to the alternately red flashing signal lamp circuits.
 38. Storage compartment. If tools, tire chains and/or tow chains are carried on the bus, a container of adequate strength and capacity may be provided. Such storage container may be located either inside or outside the passenger compartment, but, if inside, it shall have a cover (seat cushion may not serve as this purpose) capable of being securely latched and shall be fastened to the floor convenient to either the service or emergency door.
 39. Sun shield. An interior adjustable transparent sun shield not less than 6" x 30" with a finished edge shall be installed in a position convenient for use by the driver.

Type A and B buses may use manufacturer's standard.
 40. Tailpipe. The tailpipe shall extend to, but not more than 2 inches beyond, the face of the rear bumper, except that if a side exhaust is installed, the tailpipe shall terminate flush with the outside edge of the body in the rear half of the bus.
 41. Undercoating:
 - a. The entire underside of the bus body, including floor sections, cross members, and below-floor-line side panels, shall be coated with a rust-proofing compound for which the compound manufacturer has issued a notarized certification of compliance to the bus body builder that the compound meets or exceeds all performance requirements of Federal Specification TT-C520B, published February 2, 1973, a copy of which is on file with the Office of the Secretary of State, using modified test procedures for following requirements:
 - i. Salt spray resistance -- pass test modified to 5% salt and 1,000 hours.
 - ii. Abrasion resistance -- pass.
 - iii. Fire resistance -- pass.
 - b. Test panels are to be prepared in accordance with paragraph 46.12 of TT-C520B with modified procedure requiring that tests be made on a 48-hour air-

- cured film at thickness recommended by compound manufacturer.
- c. Undercoating compound shall be applied with suitable airless or conventional spray equipment to the recommended film thickness and shall show no evidence of voids in the cured film.
Undercoating is not required on the underside of fiberglass fenders.
42. Ventilation:
 - a. The body shall be equipped with a suitable, controlled ventilating system of sufficient capacity to maintain proper quantity of air under operating conditions without opening windows except in extremely warm weather.
 - b. Static-type non-closable exhaust ventilator may be installed in the low-pressure area of the roof.
 43. Wheelhousing:
 - a. The wheelhousing opening shall allow for easy tire removal and service.
 - b. The wheelhousing shall be attached to floor sheets in such a manner to prevent any dust, water, or fumes from entering the body. The wheelhousing shall be constructed of 16-gauge steel or other material of equal strength.
 - c. The inside height of the wheelhousing above the floor line shall not exceed 12 inches.
 - d. The wheelhousing shall provide clearance for installation and use of tire chains on single and dual (if so equipped) power-driving wheels.
 - e. No part of a raised wheelhousing shall extend to the emergency door opening.

Type A and B buses are exempt from this provision.
 44. Windows:
 - a. Each full side window shall provide an unobstructed emergency opening at least 9 inches high and 22 inches wide, obtained by lowering window.
 - b. Push-out type, split-sash may be used.
 45. Windshield. The windshield shall have a horizontal gradient band starting slightly above the line of driver's vision and gradually decreasing in light transmission to 20% or less at the top of the windshield.
Gradient band is optional on Type D bus.
 46. Windshield washers. A windshield washer system shall be provided.
 47. Windshield wipers:
 - a. A windshield wiping system, two-speed or more, shall be provided.
 - b. The wipers shall be operated by one or more air or electric motors of sufficient power to operate wipers. If one motor is used, the wipers shall work in tandem to give a full sweep of the windshield.
 48. Wiring:
 - a. All wiring shall conform to current applicable recommended practices of the Society of Automotive Engineers J555a, published 1979, a copy of which is on file with the Office of the Secretary of State.
 - b. All wiring shall use a standard color coding.
 - c. Circuits:
 - i. Wiring shall be arranged in circuits as required with each circuit protected by a fuse or circuit breaker.
 - ii. Wiring shall be arranged in at least six regular circuits as follows:
 - (1) Head, tail, stop (brake), and instrument panel lamps.
 - (2) Clearance and step-well lamps (step-well lamp shall be actuated when the service door is opened).
 - (3) Dome lamp.
 - (4) Ignition and emergency door signal.
 - (5) Turn signal lamps.
 - (6) Alternately flashing signal lamps.
 - iii. Any of the above combination circuits may be subdivided into additional independent circuits.
 - iv. Whenever heaters and defrosters are used, at least one additional circuit shall be installed.
 - v. All other electrical functions (such as Sanders and electric-type windshield washers) shall be provided with independent and properly protected circuits.
 - vi. Each body circuit shall be coded by number or letter on a diagram of circuits which shall be attached to the body in a readily accessible location.
 - d. The entire electrical system of the body shall be designed for the same voltage as the chassis on which the body is mounted.
 - e. All wiring shall have an amperage capacity equal to or exceeding the designed load. All wiring splices are to be done at an accessible location and noted as splices on the wiring diagram.
 - f. A body wiring diagram of easy readable size shall be furnished with each bus body as a part of the operation/maintenance manual.
 - g. The body power wire is to be attached to a special terminal on the chassis.
 - h. All wires passing through metal openings shall be protected by a grommet.
 - i. Wires not enclosed within the body shall be fastened securely at intervals of not more than 18 inches. All joints shall be soldered or joined by equally effective connectors.

Historical Note

Adopted effective February 11, 1983 (Supp. 83-1).
Former Section R17-4-503 renumbered without change as Section R17-4-610 (Supp. 87-2).

R17-4-611. The minimum standards for compressed, liquified or dual fuel gas systems for school buses

- A. Definitions:
 1. "AGA" means the American Gas Association.
 2. "ASME" means the American Society of Mechanical Engineers.
 3. "Compressed Natural Gas" or "CNG" means the gaseous fuel stored as a gas under high pressure, fed to series of pressure-reduction regulators and into existing gasoline carburetor or to natural gas carburetor.
 4. "Container appurtenances" means the items connected to container openings needed to make a container a gas-tight entity. These include, but are not limited to, safety relief devices; shutoff; backflow check; excess flow check and internal valves; liquid level gauges; pressure gauges and plugs.
 5. "Dual fuel systems" means the modifying of school buses so that they can use both gasoline and compressed or liquified gas.
 6. "ESV" means the emergency shutoff valve.
 7. "LP-Gas" or "LPG" means liquefied petroleum gas in gas derived from petroleum which is compressed into a liquid and stored and handled as a liquid under pressure.
 8. "NFPA" means the National Fire Protection Association.
 9. "PSIG" means pounds per square inch gauge.

10. "SAE" means the Society of Automotive Engineers.
 11. "UL" means the Underwriters' Laboratory, Inc.
- B. Insurance:**
1. Installers of compressed or liquefied gas systems shall be covered by an approved comprehensive General Liability Broad Form Insurance Policy which shall include, but shall not be limited to the following conditions:
 - a. Product/Completed Operations.
 - b. Premises and Operations.
 - c. Contractual Liability.
 - d. Independent Contractors.
 2. The limit of liability for Bodily Injury and Property Damage Insurance shall not be less than \$1,000,000 dollars Combined Single Limit per Occurrence.
 3. Proof of such approved insurance shall be provided to the school bus owner prior to entering any contractual agreement for the installation of compressed or liquefied gas equipment on any school bus.
- C. Installation:**
1. No school bus equipped with a compressed or liquefied gas installation shall be used to transport children until the fuel system has been inspected and approved by a certified agent of the Motor Vehicle Division.
 - a. Any LP Gas item or installation failing to meet the requirements of the NFPA Pamphlet 58, January 16, 1980, edition, a copy of which is on file with the Secretary of State's Office, will not be approved by the Department.
 - b. Any compressed gas item or installation failing to meet the requirements of the AGA, May 1982 edition, a copy of which is on file with the Secretary of State's Office, will not be approved by the Department.
 - c. Any item or installation failing to meet the requirements of this Section will not be approved by the Department.
 2. All compressed or liquefied gas installations, including conversion equipment and workmanship, shall meet or exceed all applicable standards of the National Fire Protection Association or the American Gas Association, copies of which are on file with the Secretary of State's Office.
 3. Installation of compressed or liquefied gas systems shall be performed by or under the direct supervision of a technician with National LP Gas Certification or proof of factory training.
 4. All carburetion equipment shall be UL-listed or AGA-approved.
- D. Fuel containers:**
1. Fuel containers shall meet ASME design pressure standards of 312 psig or greater, a copy of which is on file with the Secretary of State's office.
 2. Fuel containers shall have a permanently attached protective housing to safeguard the container appurtenances.
 3. LPG fuel containers must be equipped with a filler valve that shall limit filling to 80% of the containers capacity.
 4. CNG fuel containers shall be filled from an automatically temperature compensated refueling station to prevent over pressurization at filling station ambient temperature.
 5. Fuel containers shall be securely attached to the chassis frame.
 6. A school bus shall have no more than two LP Gas tanks. No single tank shall exceed 100-gallon water capacity. If two fuel tanks are utilized, the tanks shall be mounted on opposite sides of the bus, on the outside rail, and between the axles.
 7. The container mounting may be on the left or right side of the vehicle. The container valves shall not be installed within 36 inches of any door.

Type A school bus conversions are exempt from this provision.
- E. Installation of fuel containers:**
1. Fuel containers and appurtenances shall be mounted entirely below the floorline of the school bus.
 2. If drilling into the chassis frame is necessary, the chassis manufacturer's requirements must be adhered to, except that in no case shall holes exceed 5/8-inch in diameter.
 3. Fuel containers shall be mounted with two or more mounting brackets. Each bracket shall be attached to the bus structure with at least two bolts, 7/16-inch in diameter or larger. The bolts used to fasten the container mounting brackets to the bus shall be of the proper length, as follows:
 - a. At least one full thread of the bolt shall be visible past the end of a properly tightened nut.
 - b. No mounting bolt shall be so excessively long that spacers, or a total of more than three washers, are necessary for the bolt to be properly tightened.
 4. If a fuel container is mounted to the chassis frame by use of mounting bolts above and below the frame, the backing plate on the opposite side of the frame shall be at least 1/4-inch thick steel.
 5. Welding or application of heat to the chassis frame is prohibited.
 6. Fuel container mounting bracket
 - a. When strap-type brackets are used to hold LPG containers, they shall be steel bands of not less than 1/4-inch thickness and not less than 2 inches in width and capable of withstanding in any direction a static force of four times the weight of the fully loaded container.
 - b. Each CNG container in a cradle shall be secured to its cradle by means capable of withstanding in any direction a static force of eight times the weight of the fully loaded container.
 - c. Two or more brackets per tank shall be used for containers up to and including 60 gallon water capacity.
 - d. Three or more brackets per tank shall be used for containers exceeding 60 gallon water capacity.
 - e. Strap-type braces shall be installed at opposite ends of the fuel tank.
 7. Clearance. Containers shall be installed with as much road clearance as practicable but shall not in any circumstance extend below the differential. This clearance shall be measured when the vehicle is under full-rated load and is standing on a flat surface. It shall be measured on the bottom of the container, or to the lowest fitting, support or attachment on the container or container housing, whichever is lower under full-rated load of the school bus.
- F. Safety and check valves:**
1. When more than one LPG fuel container is used in a system, a backflow check valve shall be installed in each fuel line to prevent passing of fuel between tanks during filling operations. A hydrostatic relief valve with a pressure setting not lower than 350 psig, nor higher than 500 psig, shall be installed between the backflow check valves and the fuel lock-off valve to the carburetor.
 2. A pressure relief valve outlet shall be piped to a discharge port vented upward at a 45° angle in the body skirting area, just below the lower rub rail at the bus floor. The

discharge port shall not be installed within 36 inches of any door, the filling connector or exhaust port.

3. The manual shutoff valve shall be readily accessible for emergency use without opening the access door.
4. An automatic fuel supply shutoff valve shall be installed, in a protected location, and shall be activated by engine vacuum or oil pressure.

G. Dual fuel systems only:

1. When dual fuel systems are utilized, the compressed or liquefied gas container(s) may be mounted on the opposite side of the bus from the gasoline fuel tank.
2. This shall not prohibit installation of a container behind the rear axle of a bus, provided that the rear frame cross-member remains intact, or is reinstalled after the fuel container is in place.

H. Fuel conversion systems. When a bus is converted to straight compressed or liquefied gas, the gasoline tank shall be removed.

I. Clearances. Compressed or liquefied gas containers and supply lines shall have a minimum clearance of 8 inches from the engine exhaust system unless a protective shield is provided. The shield shall be constructed of at least 18 gauge metal, properly braced and attached to protect the fuel system from radiant heat from the exhaust system. This shield shall not be attached to exhaust or fuel system.

J. Fuel lines and installation:

1. Fuel lines shall be permanently secured at intervals of not more than 2 feet and shall be placed in such a manner as to minimize the possibility of damage due to vibration, strains or wear.
2. Fuel lines passing through a structural member shall be protected by rubber grommets or bulkhead fittings and follow the main frame channel wherever possible.
3. All LPG fuel lines shall be approved stainless steel, wire braid reinforced, with a minimum working pressure of 350 psig, a minimum burst pressure of 1750 psig, and labeled at no greater than 10-foot intervals as LP Gas or LPG.
4. All CNG pressure tubing shall be seamless or welded steel and shall be tested and certified to a working pressure of 2400 psig with a 4-1 safety factor.

K. General:

1. If access to the fill valve and gauging device is through the body skirt, a locking door shall be provided. The manual shutoff valve should be accessible through this door, unless the tank is remotely filled.
2. The letters “ESV” in two-inch red block letters, painted or decal, shall be placed in a visible location nearest the container shutoff valve to mark the location for emergency use.
3. Decals or lettering may be placed adjacent to the refueling point with refueling instructions or identification as to the use of a compressed or liquefied gas.

Historical Note

Adopted effective August 24, 1983 (Supp. 83-4). Former Section R17-4-506 renumbered without change as Section R17-4-611 (Supp. 87-2).

R17-4-612. Minimum standards for the periodic inspection and maintenance of school buses

Inspection standards. Standards for the periodic inspection of school buses will be based on *Arizona Minimum Standards for School Buses*, R17-4-609 and R17-4-610, in effect on the date of manufacture, except for retroactive changes required by rule or law.

Historical Note

Adopted effective August 18, 1983 (Supp. 83-4). Former Section R17-4-505 renumbered without change as Section R17-4-612 (Supp. 87-2). R17-4-612 amended by summary action; Appendices A and B repealed by summary action with an interim effective date March 8, 1996; filed in the Office of the Secretary of State February 16, 1996 (Supp. 96-1).

ARTICLE 7. HAZARDOUS MATERIALS ENDORSEMENT

R17-4-701. Definitions

In addition to the definitions contained in 49 CFR 1572.3, the following words and phrases apply to this Article:

1. “Applicant” means an individual who applies to obtain an original or renewal HME.
2. “CDL” means Commercial Driver License.
3. “HME” means Hazardous Materials Endorsement.
4. “Transfer applicant” means an individual with an existing HME issued by another state, applying to the state of Arizona for an HME.
5. “TSA” means the U.S. Transportation Security Administration.
6. “Security Threat Assessment” means a check by TSA that includes a fingerprint-based criminal history records check, an intelligence-related background check, and final disposition.

Historical Note

Adopted effective February 1, 1994 (Supp. 94-1). Section recodified to R17-4-309 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 3368, effective November 10, 2007 (Supp. 07-3).

Appendix A. Recodified

Historical Note

Adopted effective February 1, 1994 (Supp. 94-1). Appendix recodified to 17 A.A.C. 4, Article 3 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-702. Scope

This Article applies to commercial drivers who are applying for an original HME or to renew or transfer an existing HME, in accordance with 49 CFR Part 1572 (November 24, 2004) incorporated by reference, on file with the Arizona Department of Transportation and available from the U.S. Government Printing Office’s web page at www.gpo.gov. This incorporation by reference contains no future additions or amendments.

Historical Note

Adopted effective November 15, 1989 (Supp. 89-4). Amended effective October 11, 1995 (Supp. 95-4). Section recodified to R17-1-202 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 3368, effective November 10, 2007 (Supp. 07-3).

R17-4-703. General Provisions

- A. An applicant for an HME shall comply with the provisions of 49 CFR 1572 (November 24, 2004), incorporated under R17-4-702 and A.R.S. § 28-3103.
- B. The Division shall not issue or renew an HME unless the Division receives a determination of No Security Threat from TSA.

Historical Note

New Section made by exempt rulemaking at 7 A.A.R.

2518, effective May 25, 2001 (Supp. 01-2). Section recodified to R17-1-204 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1).

R17-4-704. Requirements for an HME

To receive an HME an applicant shall:

1. Possess a valid Arizona CDL,
2. Be at least 21 years of age,
3. Successfully complete all required testing under R17-4-705,
4. Pay all applicable fees under R17-4-706,
5. Make application to TSA for a Security Threat Assessment, and
6. Receive a Determination of No Security Threat from TSA.

Historical Note

Adopted effective October 6, 1983 (Supp. 83-5). Former Section R17-4-49 renumbered without change as Section R17-4-704 (Supp. 87-2). Amended by final rulemaking at 7 A.A.R. 3834, effective August 10, 2001 (Supp. 01-3). Section recodified to R17-4-512 at 7 A.A.R. 4157, effective September 7, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1).

R17-4-705. Required Testing

- A. Original and renewal applicants shall successfully complete the testing requirements under A.R.S. § 28-3223.
- B. A transfer applicant with an existing HME shall be required to comply with HME knowledge test requirements under A.R.S. § 28-3223, and pay applicable fee under R17-4-706.

Historical Note

Adopted effective August 2, 1978 (Supp. 78-4). Former Section R17-4-61 renumbered without change as Section R17-4-705 (Supp. 87-2). Section recodified to R17-4-510 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1). Amended by final rulemaking at 13 A.A.R. 3368, effective November 10, 2007 (Supp. 07-3).

R17-4-706. Fees

All applicable fees shall be paid as prescribed by:

1. TSA for a Security Threat Assessment, and
2. A.R.S. § 28-3002.

Historical Note

Former Rule, General Order 96. Former Section R17-4-39 renumbered without change as Section R17-4-706 (Supp. 87-2). Section recodified to R17-4-407 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1).

R17-4-707. 60-Day Notice to Apply

- A. The Division shall notify an existing HME holder 60 days prior to expiration of a Security Threat Assessment that a new Security Threat Assessment shall be successfully passed to retain the HME.
- B. Upon expiration of the Division's 60 Day Notice to Apply, the Division shall cancel the Arizona Driver License privileges of an applicant who fails to apply for a Security Threat Assessment and fails to remove the HME.

Historical Note

Adopted as an emergency effective April 24, 1985, pursu-

ant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-2). Emergency expired. Former Section R17-4-66 renumbered and reserved as R17-4-707 (Supp. 87-2). New Section R17-4-66 adopted and renumbered as Section R17-4-707 effective August 11, 1987 (Supp. 87-3). Amended by final rulemaking at 6 A.A.R. 4668, November 14, 2000 (Supp. 00-4). Section recodified to R17-1-203 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1).

R17-4-708. Security Threat Assessment

- A. An applicant for an HME shall successfully pass a Security Threat Assessment every five years.
- B. An applicant subject to any of the following actions, as defined under A.R.S. § 28-3001, shall obtain a new Security Threat Assessment and HME:
 1. Cancellation,
 2. Suspension for a period of one year or more,
 3. Expiration for a period of one year or more, and
 4. Revocation for a period of one year or more.

Historical Note

Adopted effective January 13, 1993 (Supp. 93-1). Section recodified to R17-4-310 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1).

R17-4-709. Determination of Security Threat

Upon notification by TSA that an applicant has failed to successfully pass the Security Threat Assessment:

1. For an original applicant:
 - a. The Division will deny the request for an HME; and
 - b. If otherwise qualified, the applicant may apply for a CDL without an HME.
2. For a renewal applicant:
 - a. The Division shall immediately cancel the HME.
 - b. The Division will notify an HME applicant with a Notice of Action that the applicant has 15 days from the notice date to have the HME removed.
 - c. The applicant shall visit a designated CDL office for removal of the HME.
 - d. If the applicant fails to comply with the Division's Notice of Action, the Division shall cancel the applicant's Arizona Driver License privilege.
 - e. Upon removal of an HME by the Division under this Section, an applicant, if otherwise qualified, may continue to hold a CDL.

Historical Note

Adopted by an emergency action effective December 1, 1998, pursuant to A.R.S. § 41-1026, effective for a maximum of 180 days (Supp. 98-4). Emergency expired May 29, 1999; Section renewed and amended by emergency rulemaking, pursuant to A.R.S. § 41-1026, at 5 A.A.R. 2433, effective July 7, 1999 for a maximum of 180 days (Supp. 99-3). Emergency Section expired January 3, 2000, pursuant to A.R.S. § 1026(C); new Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 59, effective December 7, 2000 (Supp. 00-4). Section recodified to R17-5-601 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1).

R17-4-709.01. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Section recodified to R17-5-602 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-709.02. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Section recodified to R17-5-603 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-709.03. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Section recodified to R17-5-604 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-709.04. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 59, effective December 7, 2000 (Supp. 00-4). Section recodified to R17-5-605 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-709.05. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Section recodified to R17-5-606 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-709.06. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Section recodified to R17-5-607 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

Appendix A. Recodified**Historical Note**

Appendix A adopted by an emergency action effective December 1, 1998, pursuant to A.R.S. § 41-1026, effective for a maximum of 180 days (Supp. 98-4). Emergency expired May 29, 1999; Appendix A renewed and amended by emergency rulemaking, pursuant to A.R.S. § 41-1026, at 5 A.A.R. 2433, effective July 7, 1999 for a maximum of 180 days (Supp. 99-3). Emergency Appendix A expired January 3, 2000, pursuant to A.R.S. § 1026(C); new Appendix A adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 59, effective December 7, 2000 (Supp. 00-4). Appendix recodified to 17 A.A.C. 5, Article 6 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

Appendix B. Recodified**Historical Note**

Appendix B adopted by an emergency action effective December 1, 1998, pursuant to A.R.S. § 41-1026, effective for a maximum of 180 days (Supp. 98-4). Emergency expired May 29, 1999; Appendix B renewed and

amended by emergency rulemaking, pursuant to A.R.S. § 41-1026, at 5 A.A.R. 2433, effective July 7, 1999 for a maximum of 180 days (Supp. 99-3). Emergency Appendix B expired January 3, 2000, pursuant to A.R.S. § 1026(C); new Appendix B adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Appendix recodified to 17 A.A.C. 5, Article 6 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

Appendix C. Recodified**Historical Note**

Appendix C adopted by an emergency action effective December 1, 1998, pursuant to A.R.S. § 41-1026, effective for a maximum of 180 days (Supp. 98-4). Emergency expired May 29, 1999; Appendix C renewed by emergency rulemaking, pursuant to A.R.S. § 41-1026, at 5 A.A.R. 2433, effective July 7, 1999 for a maximum of 180 days (Supp. 99-3). Emergency Appendix C expired January 3, 2000, pursuant to A.R.S. § 1026(C); new Appendix C adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Appendix recodified to 17 A.A.C. 5, Article 6 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-709.07. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 59, effective December 7, 2000 (Supp. 00-4). Section recodified to R17-5-608 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-709.08. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 549, effective January 11, 2000 (Supp. 00-1). Section recodified to R17-5-609 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-709.09. Recodified**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 654, effective January 11, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 59, effective December 7, 2000 (Supp. 00-4). Section recodified to R17-5-610 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

Exhibit A. Recodified**Historical Note**

New Form adopted by final rulemaking at 6 A.A.R. 654, effective January 11, 2000 (Supp. 00-1). Heading "Form A" changed to "Exhibit A" to conform with R1-1-412 (Supp. 00-3). Exhibit recodified to 17 A.A.C. 5, Article 6 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

Exhibit B. Recodified**Historical Note**

New Exhibit adopted by final rulemaking at 7 A.A.R. 59, effective December 7, 2000 (Supp. 00-4). Exhibit recodified to 17 A.A.C. 5, Article 6 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-709.10. Recodified**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 59, effective December 7, 2000 (Supp. 00-4). Section recodi-

fied to R17-4-408 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3).

R17-4-710. Requests for Administrative Hearing

- A. The Division shall not accept a request for hearing for failure to qualify for an HME. In the event an applicant has failed to successfully complete the Security Threat Assessment, the applicant shall make appeal directly through TSA.
- B. An applicant whose Arizona driving privileges have been canceled under R17-4-707 or R17-4-709 may request an administrative hearing under 17 A.A.C. 1, Article 5.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 2928, effective August 5, 1999 (Supp. 99-3). Section recodified to R17-1-101 at 7 A.A.R. 919, effective January 24, 2001 (Supp. 01-1). New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1).

R17-4-711. HME on CDL Learner's Permit

In accordance with 49 CFR 383.23, the Division shall not issue an HME to an individual in possession of a CDL Learner's Permit.

Historical Note

New Section made by final rulemaking at 13 A.A.R. 684, effective April 9, 2007 (Supp. 07-1).

R17-4-712. Transfer Applicant

- A. Applicability. A transfer applicant shall comply with the provisions of this Article except otherwise required by this Section.
- B. Existing TSA approval.
 1. Upon application by a transfer applicant who has an existing HME and who has successfully passed a STA prior to application in Arizona, the Division shall:
 - a. Issue a five-year Arizona CDL with an HME;
 - b. Validate the CDL with an HME upon verification of TSA approval, and the transfer applicant shall not be required to return to a designated CDL office unless otherwise required; and
 - c. Consider an applicant who has been subject to any action under R17-4-708(B) an original applicant and shall require applicant to undergo a new STA and testing requirements under R17-4-705.
 2. The Division shall not require that a transfer applicant who has received STA approval undergo an additional STA prior to expiration of existing TSA approval, unless required under federal or state law or these rules,
 3. If the Division is unsuccessful in verifying successful completion of STA, the Division shall immediately cancel the HME, and require that the applicant return to designated CDL office to have HME removed from license.
 4. The Division shall mail to the transfer applicant a Notice of Action that the applicant has 15 days from the notice date to visit a designated CDL office to have the HME removed.
- C. No existing TSA approval.
 1. Upon application by a transfer applicant with an existing HME, who has not undergone a STA prior to application in Arizona, the Division shall:
 - a. Require that the transfer applicant successfully undergo a STA; and
 - b. Upon verification of successful completion of STA, issue an Arizona CDL with an HME.
 2. If a transfer applicant fails to successfully complete a STA or the Division is unsuccessful in verifying successful completion of STA, the Division shall deny the application for HME.

3. If the applicant fails to comply with the Division's Notice of Action, the Division shall cancel the applicant's Arizona Driver License privilege.

- D. CDL eligibility. The Division may grant an application for a CDL, if an applicant is otherwise qualified to hold CDL.

Historical Note

New Section made by final rulemaking at 13 A.A.R. 3368, effective November 10, 2007 (Supp. 07-3).

Table A. Recodified

Historical Note

Table A adopted by final rulemaking at 5 A.A.R. 2928, effective August 5, 1999 (Supp. 99-3). Table recodified to 17 A.A.C. 1, Article 1 at 7 A.A.R. 919, effective January 24, 2001 (Supp. 01-1).

ARTICLE 8. MOTOR VEHICLE RECORDS

R17-4-801. Definitions

In addition to the definitions under A.R.S. §§ 28-101 and 28-440, the following definitions apply to this Article, unless otherwise specified:

"Certified record" means a copy of a document designated as a true copy by the agency officer entrusted with custody of the original to be used for purposes prescribed under A.R.S. § 28-442.

"Customer number" means the system-generated, or other distinguishing number, assigned by the Division to each person conducting business with the Division.

"Director" means the Arizona Department of Transportation's Motor Vehicle Division Director or the Director's designee.

"Division" means the Arizona Department of Transportation's Motor Vehicle Division.

"Driver license number" means the system-generated, or other distinguishing number, assigned by the Division to a person for a driver license, identification card, or instruction permit record.

"Driver record" means a motor vehicle record more specifically defined to include any data that pertains to a driver license, identification card, instruction permit, or driver related activities.

"Requester" means the person, as defined under A.R.S. § 41-1001, requesting a motor vehicle record.

"Special MVR" means a motor vehicle record that is comprised of the least possible subset of information necessary to respond to the type of request received.

"Title and registration record" means a motor vehicle record more specifically defined to include any data that pertains to a vehicle title or registration record.

Historical Note

Adopted effective June 29, 1990 (Supp. 90-2). Section recodified to R17-5-701 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 4376, effective February 2, 2008 (Supp. 07-4).

R17-4-802. Motor Vehicle Record Request

- A. Identification requirements. The requester of a motor vehicle record shall present valid photo identification at the time a motor vehicle record request is made.
- B. Charges and exemptions. The requester of a motor vehicle record shall pay the appropriate motor vehicle record copy charge under A.A.C. R17-1-202, unless exempt under A.R.S. § 28-446.
- C. Motor vehicle record types. Under this Article, the Division may release any of the following motor vehicle record types:

1. Title and Registration record, uncertified;
 2. Title and Registration record, certified;
 3. Driver 39-month record, uncertified;
 4. Driver five-year record, certified;
 5. Driver history record, certified; and
 6. Special MVR, uncertified.
- D.** Permissible use record request. A requester who has a permissible use under A.R.S. § 28-455 shall provide at least one of the items of information listed in this subsection when requesting a motor vehicle record.
1. For a title and registration motor vehicle record:
 - a. Vehicle identification number,
 - b. License plate number, or
 - c. Vehicle owner's full name.
 2. For a driver motor vehicle record:
 - a. The name of the person whose record is requested,
 - b. Driver license number, or
 - c. Customer number.
- E.** Non-permissible use record request. A requester who does not have a permissible use under A.R.S. § 28-455, but who presents either a notarized Consent To Release Motor Vehicle Record - General form #96-0276 or a Consent To Release Motor Vehicle Record - One-Time form #96-0463 from the person whose motor vehicle record is requested shall provide the items of information listed in this subsection when requesting a motor vehicle record. The Consent To Release Motor Vehicle Record forms are available at all Customer Service and Third Party Provider offices and online at <http://mvd.azdot.gov/mvd/FormsandPub/mvd.asp>.
1. For a title and registration motor vehicle record:
 - a. The vehicle identification number and license plate number, and
 - b. The vehicle owner's full name, or
 - c. The vehicle owner's residence address.
 2. For a driver motor vehicle record:
 - a. The name and driver license number or customer number of the person whose record is requested, and
 - b. The person's date of birth, or
 - c. The person's address, or
 - d. The person's Arizona driver license expiration date.
- F.** General consent to release information. The Division shall record a person's general consent to release information on the person's driver and title and registration records.
1. The general consent to release information is valid until revoked, in writing, by the person.
 2. A person may submit the written notice of revocation:
 - a. In person, at a Customer Service office or Authorized Third Party Provider; or
 - b. By mail, at Motor Vehicle Division, 1801 W. Jefferson St., P.O. Box 2100, Phoenix, Arizona 85007-2100.
- G.** Insurance companies requesting a driver or title and registration record. The Division shall not release to an insurer, broker, managing general agent, authorized agent or insurance producer any information in a person's driving record pertaining to a traffic violation that occurred 40 months or more before the date of a request for the release of the information.

Historical Note

Adopted effective August 16, 1991 (Supp. 91-3). Section repealed, new Section adopted effective April 19, 1994 (Supp. 94-2). Section recodified to R17-4-508 at 7 A.A.R. 3479, effective July 20, 2001 (Supp. 01-3). New Section made by final rulemaking at 13 A.A.R. 4376, effective February 2, 2008 (Supp. 07-4).

R17-4-803. Reserved**R17-4-804. Repealed****Historical Note**

Adopted effective June 29, 1990 (Supp. 90-2). Repealed effective November 21, 1995 (Supp. 95-4).

R17-4-805. Recodified**Historical Note**

Adopted effective June 29, 1990 (Supp. 90-2). Section recodified to R17-5-702 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-806. Recodified**Historical Note**

Adopted effective June 29, 1990 (Supp. 90-2). Section recodified to R17-5-703 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-807. Recodified**Historical Note**

Adopted effective June 29, 1990 (Supp. 90-2). Section recodified to R17-5-704 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

R17-4-808. Recodified**Historical Note**

Adopted effective June 29, 1990 (Supp. 90-2). Section recodified to R17-5-705 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3).

ARTICLE 9. RESERVED**R17-4-901. Recodified****Historical Note**

Adopted effective March 31, 1978 (Supp. 78-2). Former Section R17-4-59 renumbered without change as Section R17-4-901 (Supp. 87-2). Former Section R17-4-901 repealed, new Section R17-4-901 adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-501 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

R17-4-902. Recodified**Historical Note**

Adopted effective March 31, 1978 (Supp. 78-2). Amended subsections (A), (E) and (F) effective April 4, 1984 (Supp. 84-2). Former Section R17-4-60 renumbered without change as Section R17-4-902 (Supp. 87-2). Former Section R17-4-902 repealed, new Section R17-4-902 adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-502 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

R17-4-903. Recodified**Historical Note**

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-503 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

R17-4-904. Recodified**Historical Note**

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-504 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

R17-4-905. Recodified

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-505 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

R17-4-906. Recodified

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-506 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

R17-4-907. Recodified

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-507 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

R17-4-908. Recodified

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-508 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

R17-4-909. Recodified

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-509 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

R17-4-910. Recodified

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2). Section

recodified to R17-1-513 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

R17-4-911. Recodified

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-511 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

R17-4-912. Recodified

Historical Note

Adopted effective June 15, 1988 (Supp. 88-2). Section recodified to R17-1-512 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

R17-4-913. Recodified

Historical Note

Adopted as an emergency effective December 30, 1987, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 87-4). Readopted as an emergency with a correction in subsection (A), paragraph (A) effective March 29, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-1). Adopted without change as a permanent rule effective June 15, 1988 (Supp. 88-2). Amended effective July 13, 1989 (Supp. 89-3). Section recodified to R17-1-510 at 7 A.A.R. 3477, effective July 20, 2001 (Supp. 01-3).

R17-4-914. Repealed

Historical Note

Former General Order 68. Former Section R17-4-26 renumbered without change as Section R17-4-914 (Supp. 87-2). Repealed effective July 29, 1992 (Supp. 92-3).